

L A W S

A.S.N. 227. D. M. 1800

OF THE

STATE OF NEW-YORK,

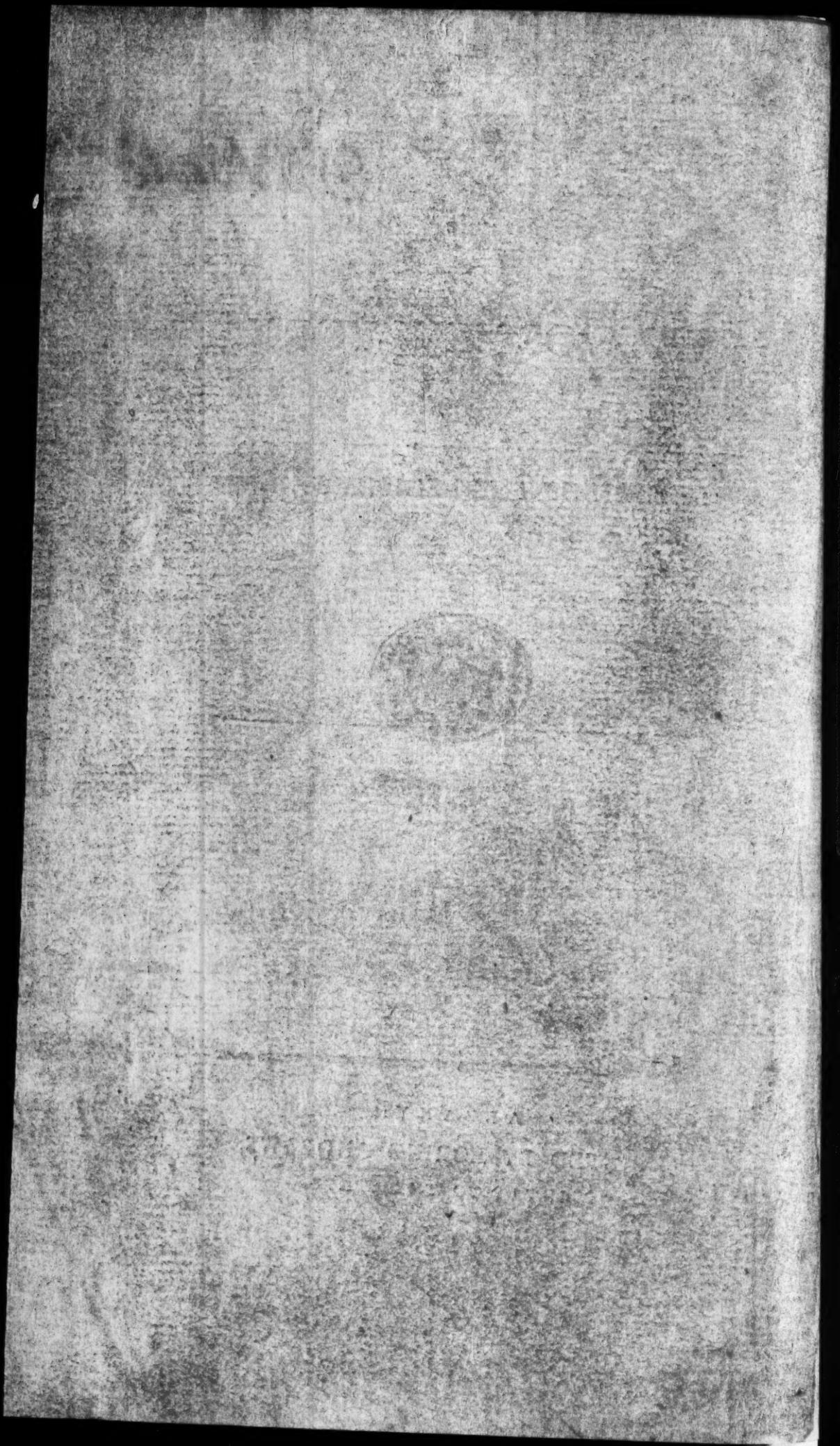
PASSED AT THE TWENTY-THIRD
SESSION OF THE LEGISLATURE,

BEGUN AND HELD AT THE CITY OF ALBANY,
THE TWENTY-EIGHTH DAY OF JANUARY, 1800.



ALBANY:
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1800.



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PASSED AT THE TWENTY-THIRD SESSION OF
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UARY TWENTY-EIGHTH, 1800.

CHAP. I.

A. D. 1800.

*An ACT to prolong the present January term
of the Supreme Court.*

Passed 31st January, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the present term of January of the Supreme Court may be held and continued for such longer space of time, than the same is now to be held by law, as the Justices thereof shall deem the business thereof to require. *Provided* nevertheless, That this act shall not be construed to affect the days for the teste and return of writs as now established by law.

Present Janu-
ary term, how
long to be held.

A. D. 1800.

CHAP. II.

An ACT authorizing the Comptroller to allow certain Charges in the accounts of the Commissioners of Taxes.

Passed 14th February, 1800.

Allowance to
be made to the
commissioners
of taxes.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the Comptroller, in settling the accounts of the commissioners of taxes for the year last past, to allow the expences of procuring and furnishing the assessors with the necessary copies of the valuation of houses and lands made under the authority of the United States, and for stationery used by them in making the tax rolls and the necessary copies thereof.

CHAP. III.

An ACT to pardon John Pastano for Murder.

Passed 14th February, 1800.

WHEREAS John Pastano, at a court of oyer and terminer, held in and for the city and county of New-York, on the nineteenth day of November, in the year one thousand seven hundred and ninety-nine, was convicted of the murder of Mary Ann De Castro, and sentenced to be executed accordingly, which execution has been suspended by his Excellency the Governor, until the twenty-seventh day of February instant.

Preamble reciting the execution of John Pastano having been suspended. And whereas it appears satisfactorily to the Legislature, from the testimony submitted at, and discovered since the trial of the said John Pastano, that at the time of the commission of the act aforesaid, he was insane, and is therefore a proper object of mercy: Therefore,



Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the said John Pastano be, and he is hereby ^{A. D. 1800.} ~~is~~ pardoned. fully and absolutely pardoned and discharged from the felony and conviction aforesaid, and all execution and forfeitures thereon. Provided nevertheless, That the said John Pastano shall continue confined in prison, until the assurance which has been made of security's being given that he shall be immediately sent to Madeira, where his connexions reside, shall be complied with to the satisfaction of the mayor or recorder of the city of New-York.

CHAP. IV.

An ACT to amend the Charter of the Reformed Protestant Dutch Church in the city of New-York.

Passed 15th February, 1800.

WHÈREAS the day appointed by the ^{Preamble.} charter of the reformed protestant Dutch church of the city of New-York, for the election of elders and deacons, hath become inconvenient for that purpose: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the elders and deacons of the said church shall, annually, hereafter be elected on the second Thursday of January; and that the elders and deacons now in office shall continue until the third Sunday inclusive next after the day of election, and their successors in like manner until the third Sunday after the first general election day after their election.

Regulation for
the future elec-
tion of elders
and deacons.

A. D. 1800.

Recital.

Vacancies how
to be supplied.

And whereas the said charter does not provide for supplying vacancies in said offices which may happen by resignation or declining an election: Therefore,

Be it further enacted, That if any of the said elders or deacons shall resign, or any one elected shall decline the office for which he shall have been elected, then, and in either of those cases an election shall be held to fill such vacancy in the manner provided by the said charter to supply a vacancy in said offices by death or removal.

CHAP. V.

An ACT further to continue the Treasurer of this State in office.

Passed 15th February, 1800.

The act herein
recited, with a
certain excep-
tion, revived
and continued.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the act, entitled "An act to continue the Treasurer of this State in office," be, and is hereby revived and continued in force (except as to the salary of the Treasurer) until sixty days after the rising of the Legislature at their next meeting after the first day of January which will be in the year one thousand eight hundred and one.

Compensation
to Robert Mc-
Clallen.

And be it further enacted, That the said Robert M'Clallen shall be allowed to retain, as a compensation for his services and expences, including clerk hire, office hire and stationery, the sum of sixteen hundred dollars a year, in quarterly payments, for which the Comptroller shall give his warrant as the same shall become due.

CHAP. VI.

A. D. 1800.

An ACT to cede to the United States the Jurisdiction of certain Islands situate in and about the Harbour of New-York.

Passed 15th February, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the following islands, in and about the harbour of New-York, and in and about the fortifying of which this State hath heretofore expended or caused to be expended large sums of money, to wit.—All that certain island called Bedlow's island, bounded on all sides by the waters of the Hudson river; all that certain island called Oyster island, bounded on all sides by the waters of the Hudson river, and all that certain island called Governor's island, on which Fort Jay is situate, bounded on all sides by the waters of the East river and Hudson river, shall hereafter be subject to the jurisdiction of the United States. *Provided*, That this cession With proviso. shall not extend to prevent the execution of any process, civil or criminal, issuing under the authority of this State, but that such process may be served and executed on the said islands respectively, any thing herein contained notwithstanding.

Certain islands in and about the harbor of New-York, made subject to the jurisdiction of the U. States.

CHAP. VII.

An ACT for the relief of James Pine.

Passed 21st February, 1800.

WHEREAS the estate of Thomas Merrit, late of the county of Westchester, became forfeited to the people of the State of New-York, by the conviction and attainder of the said Thomas Merrit. And where-

Recital stating the case of James Pine and others.

A. D. 1800. as James Pine, of the said county, is assignee of a mortgage given by the said Thomas Merrit to Ebenezer Brown and Samuel Brown prior to the confiscation of his estate. And whereas the said James Pine did, sometime in the year one thousand seven hundred and eighty-four, locate the farm whereon the said Thomas Merrit resided, in the said county of Westchester, and whereof the said mortgaged premises are a part, and hath received a deed for the part thereof unencumbered from the commissioners of forfeitures for the southern district. And whereas the said James Pine hath been in the actual possession of the said farm since the time of the said location, and the equity of redemption of the part thereof mortgaged hath been appraised at five pounds, in conformity to the act in that case made and provided. But the said James Pine hath not obtained any conveyance or release of the right, title and interest of the people of this State, of in and to the said equity of redemption of the said mortgaged premises, nor hath he produced to the Legislature any satisfactory proof of the payment of the said five pounds to the said commissioners of forfeitures: Therefore,

Surveyor-General to execute a release to said James Pine of certain described premises, after causing appraisal to be made.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the Surveyor-General of this State be authorised, and he is hereby directed to cause the equity of redemption of the said mortgaged premises to be appraised as nearly as may be at what was the value thereof on the eighth day of March, one thousand seven hundred and ninety, in such manner as he may think proper, and to execute a release to the said James Pine, of all the right, title and interest of the people of this State of in and to the said

equity of redemption of the said mortgaged premises, upon the payment of the amount of such appraisement into the Treasury of this State, deducting therefrom the said sum of five pounds, in case the said James Pine shall make it appear to the Treasurer of this State that he hath paid the same to the said commissioners of forfeitures.

CHAP. VIII.

An ACT for raising a further sum of Money for completing the Court House and Gaol in the county of Delaware.

Passed 21st February, 1800.

WHEREAS the supervisors of the county of Delaware, have requested that a further sum of money be directed to be raised on the inhabitants of the said county for completing the court house and gaol of said county: Therefore,

Preamble.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the supervisors of the county of Delaware be, and they are hereby authorized and required to direct to be levied and raised on the free-holders and inhabitants of the said county, the sum of five hundred dollars, with an additional sum of five cents on the dollar for collecting the same, which sum shall be raised, levied and collected in like manner as the other necessary and contingent charges of the said county are by law levied and collected.

500 dollars to be levied by the supervisors of the county of Delaware.

And be it further enacted, That the said sum of five hundred dollars shall be collected and paid into the treasury of the said county on or before the first day of February next; and the treasurer of the said county is hereby re-

How to be appropriated.

A. D. 1800.

quired and directed to pay the said sum of five hundred dollars to the order of the commissioners appointed or to be appointed to compleat the said gaol, retaining in his hands the sum of one cent on the dollar for receiving and paying out the same.

And be it further enacted, That the said commissioners shall account with the supervisors of the said county for the money so by them to be received and expended for the purposes aforesaid, when thereunto required.

And accounted
for.

CHAP. IX.

An ACT authorizing the raising of Monies for the repairs of Court Houses and Gaols.

Passed 21st February, 1800.

Sums of money necessary for repairing court-houses and gaols in any county in this State, how to be raised.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That whenever it shall appear necessary to the supervisors, or a majority of them, of any county in this State, that repairs be made to the court house or gaol of the said county, it shall and may be lawful for them to direct to be levied and raised on the freeholders and inhabitants of the said county, the sum of money sufficient for such repairs, with an additional sum of five cents on the dollar for collecting the same, which sum shall be raised, levied and collected in like manner as the other necessary and contingent charges of the said county are by law levied, raised and collected; and that the treasurer of the said county, shall retain in his hands the same sum as is allowed in other cases for receiving and paying out the same. *Provided always,* That no greater sum than five hundred dollars shall be raised.

With proviso.

in a county in any one year for the purposes A. D. 1800. above mentioned.

CHAP. X.

An ACT directing the Execution of Benjamin Holmes, convicted of Murder.

Passed 22d February, 1800.

WHEREAS at a court of oyer and terminer, held in and for the county of Washington, in the month of June last, a certain Benjamin Holmes was convicted of the murder of Abraham Francis, and sentenced to be executed on the fifth day of August last. And whereas his Excellency the Governor has suspended the execution of the said Benjamin Holmes until the twenty-seventh day of February, one thousand and eight hundred, and has reported the case of the said Benjamin Holmes to the Legislature. And whereas from an examination of the same, nothing has appeared of sufficient weight to warrant a favourable interposition: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the sheriff of the county of Washington, shall cause the said Benjamin Holmes to be executed on the last Friday in March next, between the hours of twelve and three in the afternoon.

Said Benjamin Holmes to be executed.

CHAP. XI.

An ACT to continue in force and to amend the act, entitled "An act for appointing a Comptroller in this State.

Passed 28 February, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly,

A. D. 1800.

The act recited
revived for 3
years, with ex-
ception.

That the act, entitled "An act for appointing a Comptroller in this State," except such part of the said act as relates to the compensation of the Comptroller, shall be, and hereby is continued in full force to all intents and purposes for the term of three years from the passing of this act.

Allowance to
the Comptrol-
ler.

And be it further enacted, That the Comptroller shall be allowed a compensation for his services and expences, including clerk hire, office hire, and stationary, a salary of two thousand five hundred dollars a year, payable quarter-yearly; and it shall be lawful for him to draw warrants on the Treasurer for the payment thereof, as the same shall become due.

The 7th section
of a certain act
repealed.

And be it further enacted, That the seventh section of the act hereby continued, shall be, and hereby is repealed.

CHAP. XII.

An ACT to amend the act, entitled An act concerning the Court of Probates.

Passed 28th February, 1800.

Construction of
the 6th section
of the act recit-
ed.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the sixth section of the act, entitled "An act concerning the court of probates," passed the thirtieth day of March, in the year one thousand seven hundred and ninety-nine, shall not be deemed or construed to extend to the estate of any person who died before the passing of said act, nor to the estate of any person or persons whose executor or executors, administrator or administrators shall have duly made, and filed an inventory of the goods, chattels and credits of such testator or intestate, before application shall be made for the

sale of any real estate belonging to such testator or intestate. *A. D. 1800.*

CHAP. XIII.

An ACT to amend an act, entitled An act for keeping in repair certain private roads in Orangetown, in the county of Orange, passed 10th February, 1797.

Passed 28th February, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the power of the commissioners of highways relative to keeping in repair certain private roads for the use and convenience of the proprietors of the salt meadow on the south side of the Slote creek in Orangetown, in the county of Rockland, shall only extend to keeping in repair the private road, swinging gates, fences and bridges, on the south side of, and near the Slote creek; and to cause the expenses thereof to be levied, collected and paid in the manner prescribed by the aforesaid act, from such of the said proprietors as shall use said road, and bridges, any thing in the said recited act to the contrary, in any wise, notwithstanding.

Certain powers of the commissioners of highways in the county of Rockland, defined.

CHAP. XIV.

An ACT authorizing the Supreme Court to appoint sittings at the City-Hall of the city of Albany, after January term, 1800.

Passed 28th February, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the justices of the

A. D. 1800. supreme court of judicature, to appoint fittings to be held at the city-hall of the city of Albany, at such time during the vacation after the term of January, 1800, as they may deem proper.

Justices of the supreme court to appoint fittings at the city hall of the city proper of Albany.

AN ACT

CHAP. XV.

An ACT relative to the Controversy between this State and the State of Connecticut.

Passed 28th February, 1800.

Preamble.

WHEREAS a certain suit or controversy is now depending in the supreme court of the United States, between the state of Connecticut and this State, of and concerning the jurisdiction of a certain tract of land, situate within this State, called by the state of Connecticut the Gore, and to the jurisdiction of which the said state of Connecticut claims right. And whereas the legislature of the said state of Connecticut have, by appointing commissioners for the settlement of the said controversy, manifested a disposition that the same should be accommodated and finally settled in an amicable manner, in order, therefore, that the said controversy may be brought to a speedy and amicable issue.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful to and for the person administering the government of this State, for the time being, to appoint by writing, under his hand and the privy seal of this State, three commissioners who, on the part of this State, are hereby fully authorized and empowered, finally to settle the said controversy of and concerning the jurisdiction of the aforesaid tract of land between this State and

The person administering the Government of this State to appoint 3 commissioners, who are empowered to settle the said controversy.

the state of Connecticut, in such manner as ^{A. D. 1800.} they shall judge most conducive to the interest of this State.

And be it further enacted, That there shall be allowed and paid by the Treasurer of this State, on the warrant of the Comptroller, all such expences as shall be incurred in and about the execution of the trusts hereby created; and also, that each of the said commissioners shall be allowed for his services five dollars a day, for every day he shall be employed in the execution of the trusts hereby reposed in him, computing their travelling charges, if any shall be necessary, at and after the rate of twenty miles for each day; and the said accounts shall be audited by the Comptroller of this State, who is hereby required to issue thereupon his warrant accordingly.

Allowance to
the commissi-
ers so to be ap-
pointed.

CHAP. XVI.

An ACT to revive the act entitled "An act to Exonerate certain persons from paying arrears of Quit-Rent, passed April 5th, 1798, and to extend the time for the settlement of Land.

Passed 28th February, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the act, entitled "An act to exonerate certain persons from paying arrears of quit-rent, passed April the 5th, 1798, be and the same is hereby revived, and the time limited in and by the same act for the remission of quit-rent and commutation therefor, is hereby prolonged to the first day of November next upon the terms and conditions prescribed in and by the said recited act. And whereas

The act herein
recited, revived

A. D. 1800. it is represented to the Legislature, that the original contracts of sale mentioned in the said recited act, have in diverse instances been satisfied, and cancelled by conveyances of the lands therein contained, subsequently to the passing of the same act; by which it has become impossible for the purchasers of lands in such cases to comply with the requisites of the said act in producing the said contracts of sale to the Comptroller of the State: For remedy whereof,

Be it further enacted, That it shall be sufficient for the applicant, for the remission of quit rent under the said recited act, instead of the original contract of sale mentioned in the same act, to produce to the Comptroller of the State satisfactory evidence that such applicant was possessed of such original contract of sale, as would, if produced, have entitled the same applicant to the benefits of the said recited act.

Time limited
in patents here-
tofore granted
by this State,
extended.

And be it further enacted, That the time limited in the patents heretofore granted by this State for the settlement of lands, shall be and hereby is extended for seven years from the first day of January, in the year one thousand eight hundred and one,

CHAP. XVII.

An ACT making provision for draining a certain tract of Swamp and Bog-meadow, known by the name of the Little Binne Water, in the towns of Wallkill and Minisink, in the county of Orange.

Passed 7th March, 1800.

Preamble.

WHEREAS there are certain tracts of swamp and bog-meadow in the towns

of Wallkill and Minisink, in the county of Orange, commonly called the Little Binnewater, which are so far overflowed or drowned as to render the same unfit for agricultural purposes. And whereas the proprietors of said swamps and bog-meadows conceive the same may be made fit for the culture of hemp, mowing and pasturage: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That Inspectors appointed to determine the number of acres belonging to each proprietor in a certain swamp.

Hezekiah Woodard, Jonathan Coleman and Elisha Reeve, or any two of them, or the survivors or survivor of them shall be inspectors finally to settle and determine the number of acres of swamp and bog-meadow belonging to each proprietor in said tract which may in their opinion be benefited by draining or ditching the same, which settlement and determination shall be delivered in writing to the treasurer hereafter to be chosen by virtue of this act.

And be it further enacted, That for the purpose of draining the said swamp and bog-meadow, the sum of five hundred dollars shall be paid by the proprietors thereof in proportion to the number of acres they shall respectively own, and that will be benefited thereby as settled by said inspectors, which sums shall be paid to Alsfop Vail, Thomas Hellum and Joseph Ketcham, commissioners, to be by them applied in paying all incidental charges that shall arise in or about the business of draining the said swamps and bog-meadow, in such manner as they or any two of them may think proper by cutting or causing to be cut one or more main ditch or ditches to begin at the outlet of said tract, being about ten chains below the line of the north bounds of a tract of land belonging to

500 dollars to be paid by said proprietors to certain commissioners, to be applied to the purposes herein mentioned.

A. D. 1800.

William Wickham, esquire, and to continue or extend as far northwardly as the said commissioners or any two of them shall think proper.

And be it further enacted, That each proprie-

Proprietors liable to prosecution in case of default. tor shall, within three months after the said inspectors shall have settled and determined the respective proportions of the said sum of

five hundred dollars, pay the same to the said commissioners or either of them, and in default thereof it shall be lawful for the said Alsop Vail, Thomas Hellum and Joseph Ketchum, or the survivors or survivor of them to recover the same by due course of law, with interest and costs of suit.

And be it further enacted, That for defraying

Proportion of expense to be paid for draining said swamp by the proprietors thereof.

the expence of clearing and scouring such main ditch or ditches as shall be made by the directions of said commissioners for draining said swamp and bog-meadow, the proprietors thereof, for the time being, shall for every acre as settled by said inspectors, pay three cents annually for ten years, to be computed from the first day of January, one thousand eight hundred and three, on or before the first day of May in every year, to the treasurer to be chosen annually by a majority of said proprietors, who shall meet on the first Monday in January, at the dwelling-house of Alsop Vail, one of the said proprietors. And in case any proprietor shall neglect to pay annually, on or before the first day of May, three cents for every acre as settled as aforesaid, the treasurer or for the time being, may sue for and recover the same before any justice of the peace, with interest and costs of suit, and the said treasurer shall apply the money, or such part thereof, as he may deem necessary, in clearing and scouring said ditch or ditches, and shall also render an account of the expenditure thereof to the said propri-

A. D. 1800.

etors so met, and shall then deliver the monies (if any) together with the papers and accounts respecting the said swamps and bog-meadow to the treasurer who may then be chosen to succeed him.

And be it further enacted, That any proprietor who shall be desirous of having one or more line ditch or ditches made, shall give at least thirty days notice of his intentions to the person or persons owning the swamps and bog-meadow adjoining; and if after such notice, any person or persons shall neglect or refuse to make one equal half part of such line ditch or ditches, the person so giving notice may proceed to dig such ditch or ditches, and may sue the other party or parties respectively for the one half of the expences thereof before any justice of the peace of the county, and shall recover the same with interest and costs of suit.

And be it further enacted, That all line ditches as aforesaid shall be cut four feet wide and two and a half feet deep, unless the parties shall otherwise determine and agree.

And be it further enacted, That the commissioners aforesaid are hereby authorised to agree and settle with the said William Wickham for such damage as is likely, in their opinion, to be sustained by the said William Wickham, in consequence of the ditches they shall propose to make for draining said swamps and bog-meadow, and to pay such sum as shall be agreed on out of the said sum of five hundred dollars. And if they do not agree as aforesaid, upon application by the said commissioners for that purpose, the judges of the court of common pleas of said county not interested in the premises, or a majority of them are hereby authorised to appoint three respectable freeholders in said

Expence of
ditches in said
swamp, how to
be borne.

Dimensions of
such ditches.

Settlement to
be made with
William Wick-
ham out of the
said 500 dol-
lars.

A. D. 1800. county, not interested in said lands, to appraise and ascertain what damages (if any) the said William Wickham may probably sustain by means of ditching and draining said lands. And if the said commissioners shall judge proper to pay such appraisement to the said William Wickham, they may upon payment of the same, proceed to cut or direct the cutting such ditch or ditches as the said commissioners may deem proper and necessary, any law to the contrary in any wise notwithstanding.

CHAP. XVIII.

*An ACT to revive and amend the act, entitled
"An act for the relief of the Inhabitants of the
town of Easton.*

Passed 7th March, 1800.

Preamble.

WHEREAS it is represented to the Legislature that the commissioners appointed in and by the aforesaid act, had not timely notice of the same to proceed to the execution of the trust reposed in them by the time in said act mentioned for that purpose: Therefore,

The act herein recited, revived. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the act, entitled "An act for the relief of the inhabitants of the town of Easton," shall be, and the same is hereby revived; and that the commissioners therein mentioned shall meet on the first Tuesday of September next, or within thirty days thereafter, at the house of Ezekiel Ensign, in the town of Stillwater, in the county of Saratoga, and then and there perform all the duties enjoined on them in and by the said act hereby revived and amended.

Certain duties
of commis-
sion-
ers therein
mentioned.

A. D. 1800.

CHAP. XIX.

An ACT to augment the Funds of the Trustees of Union College in the town of Schenectady.

Passed 7th March, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the sum of ten thousand dollars be, and the same is hereby given to the trustees of Union college, in the town of Schenectady, for the purpose of completing the college edifice which the said trustees have raised in the said town, and of establishing an adequate and permanent fund for the support of such professorships as are or may be instituted in the said college.

And be it further enacted, That it shall be lawful for the said trustees to borrow the said sum of money on the credit of this State, at an interest not exceeding seven per cent. per annum, and that the Legislature will, within ten years, make provision for the repayment of the money so to be borrowed, together with the interest that shall have accrued thereon.

And be it further enacted, That it shall be lawful for the said trustees, on or before the first day of July next, to make their election, by writing, under their common seal, of ten of the lots reserved for promoting literature in this State in and by the act, entitled "An act to appropriate the lands set apart to the use of the troops of the line of this State lately serving in the army of the United States, and for other purposes therein mentioned," passed twenty-eighth February, one thousand seven hundred and eighty-nine, and to file such election in the office of the Secretary of this State. And it shall be the duty of the commissioners of the land office to direct let-

A. D. 1800.

ters patent to be prepared and granted to the said trustees, and their successors, for the lots of land so to be elected. *Provided however,* That the monies to be derived from the sale of the lands hereby granted, in case they shall be sold, shall be invested in public or bank stock, or put out on interest on real security, and the revenue thereof shall forever hereafter be appropriated to the support of the president and professors of the said college.

CHAP. XX.

An ACT to enable the Mayor, Recorder and Aldermen of the City of New-York to order the raising Monies by Tax for the Maintenance of the Poor, and for defraying the other Contingent Expences arising in the City and County of New-York, and for other purposes.

Passed 7th March, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the mayor, recorder and aldermen of the city of New-York, as the supervisors of the city and county of New-York, or the major part of them, of whom the mayor or recorder shall be one, be, and they are hereby authorized and empowered as soon as conveniently may be after the first day of May next, to order the raising a sum not exceeding seventy-five thousand dollars, by a tax on the estates, real and personal, of the freeholders and inhabitants within the said city and county of New-York, to be applied to the support and maintenance of the poor of the said city and county; the support and repairs of the bridewell; the support and maintenance of criminal prisoners in the

75000 dollars to be raised by tax within the city and county of New-York for the maintenance of the poor and other purposes.

A. D. 1800.

same; the making, repairing, regulating and improving the public roads and streets; the defraying of other contingent expences arising within and properly chargeable to the said city and county, and to make up the deficiencies upon former taxes arising from insolvents, and the fees of collection not heretofore provided for. And also a further sum, not exceeding forty-five thousand dollars, by a tax on the estates, real and personal, of the freeholders and inhabitants within the said city to the southward of a line beginning at the outlet of the meadow of Anthony Lippencard into Hudson's river, thence extending to and along the north side of the dwelling-house late of Nicholas Bayard, deceased, thence along the middle of William-street to and across the Bowery-lane to Bullock-street, and thence along the middle of Bullock-street to the East-river, to be applied to the payment of so many watchmen as the mayor, aldermen and commonalty of the said city, in common council convened, shall, from time to time, determine to be necessary for guarding the said city; to the purchase of oil, providing lamps, and repairing and attending those which now are, and hereafter may be erected in the said city; to the cleaning, repairing and making the public wells and pumps in the said city, and to defray the other contingent expences arising in, and properly chargeable to that part of the said city which lies to the southward of the line aforesaid, as the said mayor, aldermen and commonalty, in common council convened, may, from time to time direct, and for supplying the deficiencies of former taxes upon the same part of the said city owing to insolencies, and fees of collection as aforesaid.

Also a further sum of 45,000 dollars to be raised by tax within certain bounds of the said city and county for the purposes herein mentioned.

A. D. 1800. *And be it further enacted,* That the said several sums of money shall be assessed and collected in the manner directed by the act, entitled "An act for the assessment and collection of taxes," and be collected in one payment, and paid into the hands of the treasurer or chamberlain of the said city, at such time after the said first day of May, as the said mayor, recorder and aldermen, or the major part of them, of whom the mayor or recorder shall be one, shall direct or appoint, any thing in the second section of the act, entitled "An act for the more effectual collection of taxes in the city and county of New-York," to the contrary notwithstanding.

Compensation
to be allowed
to the several col-
lectors.

And to the
Treasurer.

And be it further enacted, That it shall be lawful for the collectors of the first, fourth, fifth and sixth wards of the said city, to retain in their hands four cents on each dollar, and for the collectors of the seventh ward to retain in their hands five cents on each dollar, and the collectors of the several other wards of the said city, to retain in their hands three cents of each dollar by them collected, and no more, for their trouble in collecting and paying to the treasurer or chamberlain of the said city, such sums of money as shall be raised by virtue of this act. And that it shall be lawful for the said treasurer to retain in his hands seven mills for each dollar, and no more, for his trouble in receiving and paying out the said monies.

CHAP. XXI.

An ACT to revive the laws for the support of the public Hospital in the city of New-York.

Passed 7th March, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly,

That the act entitled *An act for the better support of the public hospital in the city of New-York*, and the twenty-fifth section of the act entitled *"An act for the payment of certain officers of government, and other contingent expences,"* made and passed the eleventh day of April, one thousand seven hundred and ninety-six, shall be and hereby are revived and continued in force for the term of five years, to be computed from the first day of February last; and the treasurer shall pay to the Governors of the Hospital the annual sum allowed them, in quarter yearly payments.

A. D. 1800.

The act, & section of an act herein recited, revived & continued for five years.

Annual payment to be made by the Treasurer to the Governors of the hospital.

CHAP. XXII.

An ACT respecting the Clerkship of the Circuit Court and Sittings in the city and county of New-York.

Passed 7th March, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the clerk of the city of New-York shall not hereafter ex officio be clerk of the circuit court within the city and county of New-York, and that the clerks of the supreme court, or either of them, shall not ex officio be clerk of the sittings authorised to be held at the City-Hall of the city of New-York, by the chief justice, or other judge of the supreme court, for the trial of issues, by the act entitled *"An act concerning the supreme court,"* passed the twenty-fourth day of January, in the year one thousand seven hundred and ninety-seven.

The clerk of the city of New-York not hereafter to be ex officio clerk of the circuit, nor the clerks of the supreme court, to be clerk of the sittings.

And be it further enacted, That the clerkship of the said circuit court, and of the said sittings and courts of oyer and terminer and goal delivery within the city and county of New-

Both of which offices to be exercised by the same person.

A. D. 1800.

York, shall be united in, held and exercised by the same person.

The clerk of the said court and fittings, how to be appointed. *And be it further enacted,* That the clerk of the said circuit court and of the fittings, within the city and county of New-York, shall be appointed by the person administering the government of this state, by and with the advice and consent of the council of appointment.

Fees and compensation for his services. *And be it further enacted,* That the said clerk for the time being shall be entitled to receive such fees and compensation for his services as by law shall be allowed to the clerks of the circuit courts in the several counties of this state.

Clerk of said court & fittings, and clerks of the circuit court permitted to practice as attorneys & counsellors. *And be it further enacted,* That nothing contained in any act or acts of the legislature shall be deemed or construed to prevent the said clerk of the said circuit court, and of the fittings, and the clerks of the circuit courts in this state, to practice as attorneys and counsellors in the supreme court.

CHAP. XXIII.

An ACT to revive the act entitled an act for prescribing the times, places and manner of holding elections for Senators to represent this state in the Senate of the Congress of the United States of America.

Passed 14th March, 1800.

The act herein recited, revived. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the act entitled "An act for prescribing the times, places and manner of holding elections for senators to represent this state in the Senate of the Congress of the United States of

America, be, and the same is hereby revived A. D. 1800.
and continued in force.

CHAP. XXIV.

An ACT to divide certain towns in the several counties of Oneida, Orange, Delaware, Tioga and Cayuga.

Passed 14th March, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That all that part of the town of Mexico, in the county of Oneida, known and distinguished by township number twelve, in a tract or *pattent* of land commonly called Constables tract, which said township is bounded northerly by township number seven, easterly by number thirteen, westerly by number eleven, and southerly by the north line of Scriba's *pattent*, so called, shall be and hereby is erected into a separate town by the name of Redfield; and By the name of Redfield. that the first town meeting shall be holden at the dwelling house of Josiah Tryon, in the said town.

And be it further enacted, That all that part of the said town of Mexico, known and distinguished by townships number one, two and three, in a tract of land belonging to Henry Champion and others, which said townships are bounded northerly by the Black river, westerly by Hungry bay, so called, southerly by townships number six, seven, eight, and nine, and easterly by township number four, all in the same tract, shall be and hereby is erected into a separate town by the name of By the name of Watertown. Watertown; that the first town meeting in said town shall be holden at the dwelling house occupied by Asher Miller.

A. D. 1806.

Another town
erected in the
same county.

By the name of
Champion.

Another town
erected in the
said county.

By the name of
Lowville.

Another town
erected in the
said county.

And be it further enacted, That all that part of the said town of Mexico, distinguished by township number four, and so much of township number five, in the tract aforesaid, as is situated westerly of Deer creek, so called, which parcels are bounded northerly by the said Black river, easterly by the said Deer creek, westerly by the said township number three, and southerly by the said township number nine, and township number ten in the same tract, shall be and hereby is erected into a separate town by the name of Champion; and that the first town meeting in said town shall be holden at the dwelling house of Joel Mix.

And be it further enacted, That all that part of the said town of Mexico, distinguished by township number eleven, and so much of the said township number five, in the tract aforesaid, as is situated easterly of the said Deer creek, which said parcels are bounded north-easterly by the said Black river, north-westerly by the said Deer creek, and the said township number ten, and southerly by townships number four and five, in a tract of land belonging to William Constable and others, shall be and hereby is erected into a separate town by the name of Lowville; and the first town meeting in said town shall be holden at the dwelling house occnpied by Silas Storr.

And be it further enacted, That all that part of the said town of Mexico, bounded as follows, to wit, beginning at the most northerly corner of a tract of twenty-five thousand acres of land belonging to Lemuel Storrs and others, at a maple tree standing upon the bank of the said Black river, thence running south thirty-seven degrees and thirty minutes west along the northwesterly line of said tract to the

northwesterly corner of Fonda's *pattent*, so called, thence westerly along the southerly line of the said Constable's tract till the same is intersected by the division line between the said township number twelve and township number thirteen in the same tract, thence northerly in the said division line, and the division line between townships number seven and eight, two and three to the northerly extremity thereof, thence easterly along the northerly lines of townships number three, four and five to the said Black river, thence southeasterly up the waters thereof to the place of beginning, shall be and hereby is erected into a separate town by the name of Turin; and the first town meeting in said town shall be holden at the dwelling house of Jonathan Collins.

A. D. 1800.

By the name of Turin.

And be it further enacted, That all that part of the town of Floyd in said county, southerly of the Mohawk river, shall be and is hereby annexed to the town of Rome.

Part of the town of Floyd in said county, annexed to the town of Rome.

And be it further enacted, That so much of the second section of the act, entitled "An act to divide the town of Mexico in the county of Oneida," passed March the fifteenth, one thousand seven hundred and ninety-nine, as extended to or in any manner affected the town of Western, in said county, by annexing any part of the same to the town of Rome, shall be and is hereby repealed.

A certain section of the act herein described, repealed.

And be it further enacted, That instead of the boundary line between the towns of Goshen and Warwick, in the county of Orange, established in and by the first section of the act entitled "An act for dividing this state into towns," passed the seventh day of March, one thousand seven hundred and eighty-eight, the following shall be the division line between the said towns, to wit: by the creek commonly called Quaker's creek, from where

Division line between the towns of Goshen and Warwick, in the county of Orange, established.

A. D. 1800.

it falls into the Walkill, on the south-westerly side of the great island in the drowned lands, to the road leading across the grist mill dam of William Thompson, Esquire; thence along the southerly side of the said road running towards sugar loaf mountain to the northerly line of the plantation late of Samuel Rayner, deceased, and thence along said line easterly to the southwest corner of a large tract of land, commonly called Rutgers's tract, and thence easterly along the south bounds of the said tract to the foot of the said sugar loaf mountain, and then an east course to the bounds of Bloomingrove, any thing in the said recited act to the contrary in any wise notwithstanding.

And be it further enacted, That all that tract of country in the county of Delaware, contained within the following bounds, to wit:

A certain tract of country in the county of Delaware, contained within the following bounds, to wit: beginning at a stake and stones near the dwelling house of Andrew Dibble, standing in the line between the *pattents* of Franklin and Goldsborough, as also in the division line between the towns of Delhi and Franklin, near Elk creek, so called; thence in said town of Delhi, south fifty-eight degrees and fifteen minutes, west seven miles and three rods, to a stake and stones standing in the middle subdivision line of the *pattent* of Whitesborough; thence along said middle line across the division line between the towns of Delhi and Franklin north, thirty-one degrees and forty-five minutes west, five miles and fifty-one rods and ten links to a small beach tree near the dwelling-house of Joseph Brimhall; thence in the line between lots number fourteen, fifteen, four and five of the said *pattent* of Whitesborough, north fifty degrees and fifteen minutes east, two miles, one quarter and eight rods, to a stake and stones; thence continuing

A. D. 1800.

the same course into the town of Cortright, seven miles and three rods, to a certain point within said town, bearing north thirty-one degrees and forty-five minutes west, and distant fifty-one rods and ten links from a stake and stones near a maple tree blazed and marked I. B. D. Z. H. and from thence in a line of marked trees south thirty-one degrees and forty-five minutes, east five miles, fifty-one rods and sixteen links, and from thence south fifty-eight degrees and fifteen minutes west, two miles one quarter and eight rods to the place of *beginning*, shall be and is hereby erected into a separate town by the name of *Meredith*, and the first town meeting in said town shall be held at the house of *Samuel A. Law*.

Erected into a
separate town
by the name of
Meredith.

And be it further enacted, That from and after the last day of March instant, all that part of the town of Romulus, in the county of Cayuga, contained within the following bounds to witt : *beginning* at the Seneca lake at the southwest corner of number thirty-seven, and north-west corner of lot forty-three, in the said township of Romulus, from thence east between said lots number thirty-seven and forty-three, thirty-eight and forty-five, thirty-nine and forty-six, forty and forty-seven, to the west bounds of lot number forty-two ; then south to the north-west corner of lot number forty-eight ; then east to the west bounds of the reservation ; then northwardly along said reservation line to the south-west corner of lot number fifty-three of said reservation ; then easterly between lots number fifty-three and fifty-eight, fifty-four and fifty-nine, fifty-five and sixty, fifty-six and sixty-one of said reservation to the Cayuga lake ; then southwardly up the Cayuga lake to the north-east corner of the town of Ovid ; thence west to the Seneca lake ; thence northwardly

Part of the town
of Romulus in
the county of
Cayuga.

A. D. 1808. along the Seneca lake to the place of *begining*,
 Erected into a shall be and hereby is erected into a separate
 separate town town by the name of Romulus, and that the
 by the name of first town-meeting be held at the house of
 Romulus. John Sayre, in said town.

Remaining part of the said town of Romulus be and re-
 of the said town main a separate town by the name of Wash-
 erected into a ington, and that the first town-meeting be
 separate town held at the house of Samuel Bear, in said
 by the name of town.

And be it further enacted, That the freehold-
 Powers and au- ers and inhabitants of said towns respectively
 thorities of the are hereby empowered to hold town-meetings,
 freeholders and and elect town officers, and enjoy all and
 inhabitants of singular the rights and *priviledges* which the
 said towns ref- freeholders and inhabitants of the other
 pectively. towns within this State may do by law.

And be it further enacted, That as soon as
 Certain duties may be after the first Tuesday of April next
 of the overseers of the poor and the supervisors
 of the poor and of the said towns shall, after due notice being
 supervisors of given for that purpose by the supervisors of
 the said towns, meet together and apportion
 the money and poor belonging to said town
 of Romulus previous to the division, in as
 equitable a manner as may be. And in case
 the supervisors and overseers of the poor
 cannot agree in the division of the money
 and poor as aforesaid, then the supervisors of
 the county of Cayuga, at their annual meet-
 ing, shall make such division of money and
 poor aforesaid as shall appear most equitable
 to the major part of them.

And be it further enacted, That from and
 Part of the town after the last day of March instant, all that
 of Union in the part of the town of Union, in the county of
 county of Tioga.
 g2. Tioga, lying west of a line *begining* at the
 northwest corner of lot number twenty-three
 in the north tier of lots in the Massachusetts

ten townships so called, and running south to the northwest corner of lot number one hundred and thirty-two in the great division of the said ten townships; thence south to the northeast corner of Coxe's patent; thence south to the *Pennsylvania* line, shall be and hereby is erected into a separate town by the name of *Tioga*, and that the first town-meeting be held at the house of *Luke Bates*, in the said town. That all that part of the remaining part of the town of *Union* lying north of a line *beginning* at the before mentioned northwest corner of lot number one hundred and thirty-two, and running east on the line of lots to the forks of the *Chenango* river, shall be and hereby is erected into a separate town by the name of *Lisle*, and that the first town-meeting be held at the school-house standing near the second forks of the *Chenango* river, in said town. That all the remaining part of the said town of *Union* shall be and remain a separate town by the name of *Union*, and that the first town-meeting in said town shall be held at the house of *Nehemiah Spalding*, in said town.

And be it further enacted, That as soon as may be after the first Tuesday of April next, the supervisors and overseers of the poor of the towns aforesaid, shall, by notice to be given for that purpose by the supervisors thereof, meet together and apportion the poor maintained by the said town of *Union* and the poor money belonging to the same, previous to the division thereof, in an equitable manner. And if the supervisors and overseers of the poor cannot agree upon such division of the poor and poor money as aforesaid, then and in such case the supervisors of the county of *Tioga* shall, at their next meeting, apportion and divide the poor maintain-

A. D. 1800.

Erected into a separate town by the name of *Tioga*.

Remaining part of said town of *Union* erected into a separate town.

By the name of *Union*.

Certain duties of the supervisors and overseers of the poor of the towns aforesaid.

A. D. 1800.

ed and the poor money as aforesaid in such manner as shall appear to them most just and equitable, and the said towns shall thereafter respectively maintain their own poor.

Provision for a justice of the peace to preside at the first town meeting held in any of the said towns.

And be it further enacted, That in case there should be no justice of the peace duly qualified in any one or more of the said towns by this act erected to preside at the first town-meeting, then, and in such case it shall be lawful for any justice of the peace in any other town in such county to preside at such town-meeting and superintend the same, any law of this State to the contrary in any wise notwithstanding.

Powers, rights, and privileges of the freeholders and inhabitants.

And be it further enacted, That from and after the last day of March instant, the freeholders and inhabitants of the said several towns shall have, exercise and enjoy all and singular the powers, rights and privileges which the freeholders and inhabitants of other towns within this State by law have, exercise and enjoy.

CHAP. XXV.

An ACT making further provision for Improving the Navigation of the Hudson-river between the City of Albany and the Village of Waterford.

Passed 14th March, 1800.

Commissioners appointed by the act herein recited, together with the Comptroller.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the commissioners appointed in and by the act, entitled "An act to improve the navigation of Hudson-river between the villages of Lansingburgh and Troy, or a majority of them, shall and may, as soon as convenient after the passing of this act, by and

A. D. 1800.

with the advice and consent of the Comptroller of this State, (for the time being) under their hands and seals, appoint three discreet persons, citizens of this State, to be managers for superintending, managing and drawing the lottery directed by this act. That the managers so to be appointed, shall cause to be raised, by lottery, the sum of thirteen thousand dollars, which lottery may be drawn in any part of this State where the managers may think proper.

To appoint managers of the lottery directed by this act, who shall cause 13,000 dollars to be raised by lottery.

And be it further enacted, That the managers to be appointed as aforesaid, shall, before they enter upon the execution of the duties enjoined on them by this act, enter into bond to the people of this state with such sureties as the Comptroller of this state for the time being shall approve, in the penal sum of ten thousand dollars each, conditioned for the faithful and honest discharge of the duties required of them by this act, and for rendering a just account of all their proceedings at the next session of the Legislature after the drawing of the said lottery.

Said managers to give bail before they enter upon the duties enjoined on them.

And be it further enacted, That from time to time, and as often as the said managers shall receive the sum of two thousand dollars from the sale of tickets, they shall deposit the same in the Bank of New-York or Albany for safe keeping; and as soon as the lottery shall be drawn, the said managers, after deducting therefrom their reasonable expences for drawing and conducting the same, to be audited and allowed by the Comptroller of this state, shall pay four fifth parts of the neat proceeds of the said lottery to the commissioners appointed in and by the act entitled "An act to improve the navigation of Hudson's river between the villages of Lansingburgh and Troy, for the purposes mentioned in the said act.

To deposit the monies received for tickets in the banks of New-York or Albany.

And pay part of the neat proceeds of the said lottery to the commissioners.

A. D. 1800.

Commissioners appointed to improve the navigation of Hudson's river between Lansingburgh and Waterford.

And be it further enacted, That Jacobus Van Schoonhoven, Hezekiah Ketchum and Samuel Stewart, be, and they are hereby appointed commissioners, with full power and authority to improve the navigation of the Hudson's river between the villages of Lansingburgh and Waterford.

Remaining part of the neat proceeds of said lottery, how to be applied.

And be it further enacted, That the said managers shall pay the remaining part of the neat proceeds of the said lottery to the said last mentioned commissioners, to be by them applied for improving the navigation of the Hudson's river, between the said villages of Lansingburgh and Waterford, in such manner as they, or a majority of them, shall judge most conducive to the public good.

Last mentioned commissioners to give bond with sureties before they enter on their duties.

And be it further enacted, That the said last mentioned commissioners shall, before they enter upon the execution of the duties enjoined on them by this act, severally give bond to the people of this state in the penal sum of two thousand dollars, conditioned for the true and faithful performance of the duties enjoined on them as commissioners under this act, which bond shall be forthwith deposited with the Comptroller of this state; and it is hereby made the duty of the said commissioners annually to render a true and accurate account of all the monies by them received and expended, and of the state of the improvement of the navigation by them made, to the Comptroller of this state.

To adopt such scheme as they may think proper.

And be it further enacted, That the managers of the lottery directed by this act, shall have full power and authority to adopt such scheme, and to manage the said lottery in such manner as they, or a majority of them, shall think proper, and that they may sell the tickets in any part of this state.

And be it further enacted, That Moses Vail, A. D. 1800.
 Ephraim Morgan and Albert Pawling, be, and
 they are hereby appointed commissioners,
 with full power and authority to improve the
 navigation of the Hudson's river, between the
 village of Troy and the city of Albany, who
 shall, before they enter on the duties enjoined
 on them by this act, severally give bonds to
 the people of this state in the penal sum of
 ten thousand dollars each, for the true and
 faithful performance of the duties enjoined
 on them by this act, which bonds shall forth-
 with be deposited with the Comptroller of
 this state; and it is hereby made the duty
 of the said commissioners annually to render
 a true and accurate account of all monies by
 them received and expended, and of the state
 of the navigation herein by them directed to
 be improved, to the Comptroller of this state.

Commissioners
appointed to
improve the na-
vigation of
Hudson's river
between Troy
and Albany.

To give bonds
for the faithful
performance of
their duties.

Duty of said
commissioners.

*And be it further enacted, That the said last
 mentioned commissioners, or a majority of
 them, shall and may, by and with the advice
 and consent of the Comptroller of this state
 for the time being, appoint three discreet per-
 sons, citizens of this state, to be managers for
 superintending, managing and drawing of the
 lottery herein after mentioned; and that the
 said managers shall cause to be raised by lot-
 tery the sum of fifteen thousand dollars, which
 lottery may be drawn in any part of this state
 where the managers may think proper.*

Said last men-
tioned commis-
sioners with the
Comptroller to
appoint mana-
gers of a lottery
to raise 15,000
dollars.

*And be it further enacted, That the said last
 mentioned managers shall, before they enter
 upon the duties enjoined on them by this act,
 enter into a bond to the people of this state
 with such sureties as the Comptroller of this
 state for the time being shall approve, in the
 penal sum of two thousand dollars each, con-
 ditioned for the faithful and honest discharge
 of the duties required of them by this act,*

Which mana-
gers to enter
into a bond
with sureties
before they en-
ter upon their
duties.

A D. 1800. and for rendering a just and true account of all their proceedings to the legislature at their next session after the drawing of the said lottery.

To deposit the monies received for tickets in the Bank of New-York or Albany.

And to pay the proceeds of the said lottery to the said commissioners.

Certain duties of said managers.

And be it further enacted, That from time to time, and as often as the said managers shall receive the sum of two thousand dollars from the sale of tickets, they shall deposit the same in the Bank of New-York or Albany, for safe keeping ; and as soon as the said lottery shall be drawn, the said managers, after deducting therefrom their reasonable expenses for drawing and conducting the same, to be audited and allowed by the Comptroller of this State, shall pay the neat proceeds of the said lottery to the last mentioned commissioners to be by them applied in improving the navigation of the Hudson's river, between the village of Troy and the city of Albany, in such manner as they, or a majority of them, may think proper and conducive to the public good.

And be it further enacted, That the managers of the said last mentioned lottery shall have full power and authority to adopt such scheme and manage the said lottery in such manner as they, or a majority of them, shall think proper ; and that they may sell the tickets in any part of this State. *Provided always,* That the managers so to be appointed, shall not sell or cause to be sold any of the tickets in the last mentioned lottery until the lotteries now allowed by law, and the lottery herein before mentioned be first drawn.

CHAP. XXVI.

A. D. 1800.

An ACT authorizing the Mayor, Aldermen and Commonalty of the city of Albany to raise a sum by Tax for defraying the expence of Lighting the Lamps and for the support of a Night Watch in the said City.

Passed 14 March, 1800.

WHEREAS the mayor, aldermen and commonalty of the city of Albany, ^{Preamble.} have by their petition, requested a law authorizing them to raise the sum of three thousand dollars for defraying the expence of lighting the lamps, and for the support of a night watch in the said city: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful to and for the said mayor, aldermen and commonalty, in common council convened, as soon as conveniently may be after the passing of this act, to order the raising a sum not exceeding three thousand dollars, by a tax on the estates real and personal, of all and every of the freeholders and inhabitants within the said city, residing within half a mile westward of Hudson's river, to be applied to the payment of so many watchmen as the said mayor, aldermen and commonalty, have employed, or shall think necessary to employ for guarding the said city for one year, and for defraying the expence for one year of lighting the lamps that now are, or within the period aforesaid, may be erected within the said city, which said sum shall be rated and assessed by the assessors of the said city for the time being, and levied and collected in the manner directed in and by the act, entitled "An act for the assessment and collection of taxes, passed the first of April, one thousand seven hundred

The mayor, aldermen and commonalty to order the raising a sum not exceeding 3000 dollars by tax.

To be applied to the purposes herein mentioned.

A. D. 1800.

and ninety-nine ; but that the tax shall be paid into the hands of the chamberlain of the said city for the time being, to be applied and disposed of from time to time in such manner, for the purposes herein before mentioned, as the said mayor, aldermen and commonalty of the said city in common council convened, shall direct and appoint.

A duty of the chamberlain. *And be it further enacted,* That the chamberlain of the said city for the time being, shall publish, as soon as conveniently may be, a state of all monies received and expended by virtue of this act, in one or more of the public newspapers printed in the city of Albany.

CHAP. XXVII.

*An ACT to explain and amend an act entitled
An act more effectually to regulate the Port of
New-York.*

Passed 14th March, 1800.

Preamble.

WHEREAS the mode directed for the recovery of the penalties inflicted by an act entitled an act more effectually to regulate the port of New-York has been found inconvenient by reason that the harbour master is thereby precluded from being a witness in suits brought for the recovery of the said penalties : Therefore,

*Fines incurred
under a certain
act how to be
recovered.*

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That all fines incurred under the said act shall be recovered with costs of suit, in the name of the treasurer of the hospital of the city of New-York for the time being.

Recital.

And whereas some doubts have arisen on the said act as to the extent of the authority of the harbour master with respect to the removal and accommodation of vessels, as is

therein mentioned; For removing which ~~and~~ ^{A. D. 1800.} doubts,

Be it further enacted, That the said harbour master shall have authority to remove all certain auth- ships and vessels, according to the directions ^{ity given to} of the act above referred to, and that as to ^{the harbour-} master. the fact of their being fairly and bona fide employed in receiving or discharging their cargoes, the said harbour master is hereby constituted the sole judge.

CHAP. XXVIII.

An ACT for establishing and regulating a Ferry across the Hudson-river between the counties of Westchester and Rockland.

Passed 19th March, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for Joseph Travis, of the town of Courtlandt, in the county of Westchester, and Joshua Colwill, of the town of Haverstraw, in the county of Rockland, and their assigns, to set up, keep and maintain a ferry across the Hudson's river, from the landing of the said Joseph Travis, at Pecks-kill, in the said town of Courtland, to the landing of the said Joshua Colwill, in the said town of Harverstraw, and from the said landing of the said Joshua Colwill to the said landing of the said Joseph Travis, for and during the term of twenty-one years, to be computed from the first day of August next.

And be it further enacted, That the said Joseph Travis and Joshua Colwill, and their assigns, shall, if they shall set up a ferry by virtue of this act, erect a convenient dock or landing

Duties enjoined
on said persons.

A. D. 1800. and ninety-nine ; but that the tax shall be paid into the hands of the chamberlain of the said city for the time being, to be applied and disposed of from time to time in such manner, for the purposes herein before mentioned, as the said mayor, aldermen and commonalty of the said city in common council convened, shall direct and appoint.

A duty of the chamberlain. And be it further enacted, That the chamberlain of the said city for the time being, shall publish, as soon as conveniently may be, a state of all monies received and expended by virtue of this act, in one or more of the public newspapers printed in the city of Albany.

CHAP. XXVII.

An ACT to explain and amend an act entitled An act more effectually to regulate the Port of New-York.

Passed 14th March, 1800.

Preamble.

WHEREAS the mode directed for the recovery of the penalties inflicted by an act entitled an act more effectually to regulate the port of New-York has been found inconvenient by reason that the harbour master is thereby precluded from being a witness in suits brought for the recovery of the said penalties : Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That all fines incurred under the said act shall be recovered with costs of suit, in the name of the treasurer of the hospital of the city of New-York for the time being.

Fines incurred under a certain act how to be recovered.

Recital.

And whereas some doubts have arisen on the said act as to the extent of the authority of the harbour master with respect to the removal and accommodation of vessels, as is

therein mentioned; For removing which ^{A. D. 1800.} ~~any~~ doubts,

Be it further enacted, That the said harbour master shall have authority to remove all ^{Certain authority given to the harbour-master.} ships and vessels, according to the directions of the act above referred to, and that as to the fact of their being fairly and bona fide employed in receiving or discharging their cargoes, the said harbour master is hereby constituted the sole judge.

CHAP. XXVIII.

An ACT for establishing and regulating a Ferry across the Hudson-river between the counties of Westchester and Rockland.

Passed 19th March, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, ^{The persons herein mentioned authorised to set up a ferry across Hudson's river, and maintain the same for 21 years.} That it shall and may be lawful for Joseph Travis, of the town of Courtlandt, in the county of Westchester, and Joshua Colwill, of the town of Haverstraw, in the county of Rockland, and their assigns, to set up, keep and maintain a ferry across the Hudson's river, from the landing of the said Joseph Travis, at Pecks-kill, in the said town of Courtland, to the landing of the said Joshua Colwill, in the said town of Haverstraw, and from the said landing of the said Joshua Colwill to the said landing of the said Joseph Travis, for and during the term of twenty-one years, to be computed from the first day of August next.

And be it further enacted, That the said Joseph Travis and Joshua Colwill, and their assigns, shall, if they shall set up a ferry by virtue of this act, erect a convenient dock or landing

^{Duties enjoined on said persons.}

A. D. 1800.

place, if not already erected, on such part of the lands of the said Joseph Travis, at or near his dock in Peekskill aforesaid, and on such parts of the lands of the said Joshua Colwill, at or near his dock in Haverstraw aforesaid, as shall be most suitable for the purpose, and shall each of them, during the term aforesaid, keep, support and maintain a sufficient ferry-boat capable of conveying six horses each, and ready at all reasonable times and seasons to carry and transport the persons and articles following, and at the rates following, that is to say, from the dock and landing of the said Joseph Travis, at Peekskill aforesaid to the dock and landing of the said Joshua Colwill in Haverstraw aforesaid, or from the said dock and landing of the said Joshua Colwill to the said dock and landing of the said Joseph Travis, for each man and horse, fifty cents ; for a foot passenger, if one only, thirty-two cents, if more than one then each person twenty-five cents ; for a horse and chair with travellers, seventy-five cents ; for every head of neat cattle, twenty-five cents ; for every sheep, calf or hog, seven cents ; for a waggon or other four-wheeled carriage with two horses and travellers, one hundred and twenty-five cents ; for a sled with two horses and travellers, one hundred and twelve and an half cents ; for a sled and one horse with travellers, seventy-five cents, and so in proportion for other articles.

And be it further enacted, That if the above named Joseph Travis or Joshua Colwill, or their assigns, or any ferryman or person employed by them, or either of them, shall take, exact or receive, any greater or higher rates for transporting persons, goods and chattles, or other things whatsoever, than are herein before limited and established, he or they, or

Penalties for
exacting higher
rates of fer-
riage.

any of them so offending, shall forfeit and pay, for every such offence, the sum of two dollars and fifty cents, to be recovered in any court within this state having cognizance thereof, by any person who shall sue for the same.

A. D. 1800.

And be it further enacted, That if any person or persons shall, after the said first day of August next, set up, keep or maintain a ferry, or shall carry or transport any person, goods or chattles, for hire or pay, across the Hudson's river, between the north part of Verplanck's point and the north line of the county of Westchester, and between the north part in the county of Rockland, of a line west from the place called King's ferry, and the north line of the said county of Rockland, other than the said Joseph Travis and Joshua Colvill, and their assigns, such person or persons shall, for every such offence, forfeit and pay the sum of five dollars, to be recovered in any court within this state having cognizance thereof, by any person who shall sue for the same: *Provided always,* That nothing herein before contained shall be construed to exclude any person or persons, living or inhabiting on the said Hudson's river, within the limits aforesaid, from the right of carrying and transporting themselves and their goods and chattles respectively, in their own boats, without paying any rate of ferriage.

And be it further enacted, That if it shall appear, upon sufficient evidence, to the court of common pleas of the county of Westchester, or of the county of Rockland, that the said Joseph Travis or Joshua Colwill, or their assigns, shall wilfully neglect to comply with the directions of this act in keeping the ferry aforesaid, it shall and may be lawful for either of the said courts to adjudge that all the pri-

Penalties recoverable from any person who shall set up a ferry for hire within the bounds herein mentioned.

Court of common pleas of Westchester or Rockland authorised to annul the privilege of said ferry in case of neglect.

A. D. 1800. vileges granted to them under this act shall cease and be of no effect.

CHAP. XXIX.

An ACT, for the relief of John M. Mason and others.

Passed 19 March, 1800.

Preamble, re-
citing the peti-
tion of Mathew
Duncan, John
M. Mason and
others, praying
relief in the
premises.

WHEREAS it appears to the Legislature by the petition of Mathew Duncan, John M. Mason and Margaretta Mason, that the devisees of the Reverend Doctor John Mason, late of the city of New-York, deceased, being severally of lawful age, did, on the seventh day of May, in the year one thousand seven hundred and ninety eight, make and agree to the following disposal and partition of the following lands, whereof the said John Mason died seized, to wit: that the said John M. Mason should be empowered to sell, for the benefit of the said devisees, and to convey, by a good and sufficient deed or deeds, one hundred acres, surveyed in a square, on the south-east corner of lot number sixteen, in the township of Fayette, and one other hundred acres adjoining the former, in a square, on the north-east corner of lot number eighteen, also in the said township, and for which two hundred acres articles of agreement had been entered into by the said John M. Mason with the purchasers thereof, that the remainder of these two lots should be divided into three equal parts by lines parallel to the northern boundary of lot number sixteen, to be distinguished as follows: the most northerly third part to be called number one, the middle third part number two, and the southerly third part number three; that lot number seventy-one, in the

A. D. 1800.

township of Cicero, should be divided into three equal parts by lines ran parallel with the northern boundary thereof, and be distinguished in the very same manner as lots number sixteen and eighteen, in the township of Fayette; that of the lands aforesaid, lot number fifty-five of the township of Marcellus, and lot number one of the sub-division of lot number seventy-one, in the township of Cicero, and lots number one of the sub-division of lots number sixteen and eighteen in the township of Fayette, should be released to Helena Duncan, wife of the said Mathew Duncan, as her full third part of the said lands; that lot number fifty-five, in the township of Aurelius, lot number two of the sub-division of lot number seventy-one, in the township of Cicero, and lots number two in the sub-division of lots number sixteen and eighteen in the township of Fayette, should be released to the said John M. Mason, as his full third part of the said lands, and that lot number ninety-six, in the township of Camillus, lot number three in the sub-division of lot number seventy-one in the township of Cicero, and lots number three of the sub-division of lots number sixteen and eighteen of the township of Fayette, should be released to the said Margaretta Mason as her full third part of the said lands; and that before the necessary releases could be interchanged, Helena Duncan, the wife of the said Mathew Duncan, and one of the devisees of the said John Mason, died, leaving two infants, viz. John Mason Duncan and David Telfair Duncan, and that in consequence thereof the petitioners, as well as the said infants, labor under great inconveniences, and have prayed that the disposal and division of the said lands so as aforesaid agreed to by them, may be confirmed by law: Therefore,

A. D. 1800.
Relief granted.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the said disposal and division of the lands as aforesaid, shall be deemed and construed to have been effectually and definitively made to every intent and purpose, on the said seventh day of May, in the year aforesaid.

CHAP. XXX.

An ACT to authorize the Trustees of the Presbyterian church and congregation of the Town of Salem to sell and dispose of certain lands for the benefit of the said church and congregation.

Passed 19 March, 1800.

Preamble.

WHEREAS the trustees and society of the presbyterian church and congregation of the town of Salem, in the county of Westchester, have, by their petition to the legislature, prayed for leave to sell, for the benefit of the said church and congregation, certain lands belonging to the said church and congregation in the town of Salem aforesaid: Therefore,

Certain power
and authority
granted to said
trustees.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That full power, good right, and lawful authority shall be, and hereby is granted to the trustees of the said church and congregation to sell and alien in fee all right and title belonging to the said church and congregation, or vested in them as trustees of and in all such lands, situate, lying and being in the town of Salem, in Westchester county, as they from time to time may deem necessary, for the purpose of procuring other lands on which a parsonage house may be more conveniently erected, and for erecting the same: Provided always, That

the lands so to be sold by virtue of this act, ^{A. D. 1800.}
shall not exceed the quantity of fifty acres.

CHAP. XXXI.

An ACT for the relief of William Lighthall and Thomas Tredwell Jackson.

Passed 19 March, 1800.

BE it enacted by the People of the State of New-

York, represented in Senate and Assembly,

That it shall and may be lawful for the commissioners of the land-office, and they are hereby authorized and required to grant letters patent to William Lighthall, late a lieutenant in the army of the United States, and returned as one of the quota of this State for the like quantity of unappropriated lands in the tract set apart for the use of the line of this State, serving in the army of the United States, and in the same manner as has been granted to the officers of the rank of lieutenant, serving in the line of this State.

Commissioners
of the land of-
fice to grant
letters patent to
William Light-
hall.

And be it further enacted. That it shall and may be lawful for the commissioners of the land-office, and they are hereby authorized and required to grant letters patent to Thomas Tredwell Jackson, late a lieutenant in the army of the United States, and returned as one of the quota of this State for the like quantity of unappropriated lands in the tract set apart for the use of the line of this State, serving in the army of the United States, and in the same manner as has been granted to the officers of the rank of lieutenant, serving in the line of this State.

And letters pat-
ent to Thomas
Tredwell Jack-
son.

A. D. 1800.

CHAP. XXXII.

An ACT granting certain Lands to Sarah McGinnis and Rachel Walmley.

Passed 19 March, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the Surveyor-General shall be, and he is hereby authorized and required to execute unto Sarah McGinnis and Rachel Walmley, their heirs and assigns, forever, a conveyance of all the right, title, interest, property, claim and demand of the People of this State, of, in and to all and singular lots number sixty and sixty-two in Banyar and Wallace's patent on the Susquehanna river, containing three hundred acres, more or less, now vested in the people of this State by the attainder of Robert McGinnis, deceased. *Provided nevertheless,* That the said Sarah and Rachel shall first produce and deliver to the Surveyor-General a certificate from the Treasurer of this State, specifying that he has received of said Sarah and Rachel the sum of twenty-five cents an acre for the same.

Proviso.

CHAP. XXXIII.

An ACT for the relief of Isaac Sebring, Executor of the last Will and Testament of Cornelius, Sebring, deceased, and of James Beeckman, Executor of the last Will and Testament of Gerard W. Beeckman, deceased.

Passed 19 March, 1800.

Preamble.

WHEREAS the committee of association in the city of New-York, in the month of May, in the year one thousand seven hundred and seventy-five, caused all the cannon

A.D. 1800.

then in the city of New-York, belonging to private persons, to be removed to Kingsbridge, part of which cannon were afterwards, by order of the convention of the State, or a committee thereof, delivered to certain persons in the state of Connecticut for the use of that state, and have been charged to and paid for by that state, and the residue were applied to the use of the United States, and charged to them in their account with this State.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the Comptroller of this State, to draw his warrant on the Treasurer thereof, in favor of Isaac Sebring, executor of the last will and testament of Cornelius Sebring, late of the city of New-York, deceased, whose cannon were taken as aforesaid, and have not been paid for, the sum of six hundred and fifty dollars; and which warrant the Treasurer is hereby directed to pay out of any monies in the treasury not otherwise appropriated.

Comptroller to draw his warrant in favor of Isaac Sebring for 650 dollars.

And be it further enacted, That it shall and may be lawful for the Comptroller of this State to draw his warrant on the Treasurer of the same in favour of James Beeckman, executor of the last will and testament of Gerard W. Beeckman, late of the city of New-York, deceased, whose cannon were taken as aforesaid, and have not been paid for, the sum of three hundred and twelve dollars and fifty cents, and which warrant the Treasurer is hereby directed to pay out of any monies in the treasury, not otherwise appropriated.

And in favor of James Beeckman for 312 dollars 50 cents.

D

A. D. 1800.

CHAP. XXXIV.

An ACT for the relief of Sarah Scudder.

Passed 19th March, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly,
Comptroller to That the Comptroller shall be and hereby is
issue his war- authorised and required to issue his warrant
rant in favor of Sarah Scudder upon the Treasurer of this State in favor of
Sarah Scudder, for 205 dollars. Sarah Scudder, the wife of Joseph Crane, de-
ceased, for the sum of two hundred and five
dollars as a full compensation for all claims
upon this State.

CHAP. XXXV.

An ACT to alter the time for the election of Charter Officers in the city of New-York; to lengthen the terms of the Court of Common Pleas; to give additional power to the Special Justices for preserving the peace in the city and county of New-York; to reduce several Laws relating particularly to the said city and county into one Act, and for other purposes.

Passed 21 March, 1800.

Preamble reciting the petition of the mayor, aldermen and commonalty.

WHEREAS the mayor, aldermen and commonalty of the said city, in common council convened, have by petition, under their common seal, represented to the Legislature, that the inhabitants of the said city have experienced great inconveniences by reason that the election of charter officers in the said city is to be held on the twenty-ninth day of September in every year; and that from the great increase of the inhabitants and trade of the said city, and the consequent number of law suits, the terms of the court of common pleas, called the mayor's court, are become too short for the dispatch of the public

A. D. 1800.

business therein, that the powers vested in the special justices for preserving the peace in the city and county of New-York should be enlarged in certain respects, that the common council of the said city should have power to order the meetings of the courts of justice in and for the said city and county, and such meetings of the common council and magistrates of the said city and county as are now by law specially directed to be held in the city-hall of the said city, to be held at such other place or places in the said city as in their judgment should be most convenient and proper, whenever by reason of any great emergency it shall to them appear necessary, and that it would be useful that several statutes of the State making alterations in the charter of the said city upon the petition of the said common council should be incorporated into one statute. And whereas the said mayor, aldermen and commonalty, have in and by their said petition, prayed that the Legislature would make such provision in the premises as might remove the said inconvenience, and effect the several useful purposes aforesaid: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That Charter officers when to be chosen and sworn.

all officers to be chosen in and for the said city by virtue of the charter thereof, shall be chosen on the third Tuesday of November, in every year for ever hereafter, and not upon the twenty-ninth day of September, in such year, and shall be sworn into and commence the duties of their respective offices on the first Monday in December next, after such election, and that the officers of the said city who have been chosen and sworn into their respective offices at the last annual days for those purposes, or at any time since, or who

A. D. 1800. may be elected and sworn into office before the third Tuesday of November next, shall continue in their respective offices until the first Monday in December next, and until another or others shall be elected and sworn in their places respectively.

Annual elections for charter officers, how to be holden and conducted.

And be it further enacted, That the mayor, aldermen and commonalty of the said city, in common council convened, shall and may on such day in the month of November, in every year, as to them shall seem meet, at least eight days before the annual day of election above established, fix upon a proper place in each of the wards of the said city, where such election shall be held, and nominate and appoint a fit and discreet person for each of the said wards, being a resident in such ward and a freeholder there, or a freeman of the said city, to preside at and be the inspector or returning officer at every election for officers in such ward during the year then next ensuing ; and further, that in case any of the said inspectors shall die, remove out of the said city, refuse to serve, or be rendered incapable of attending any of the said elections before or on the day on which the same is to be held, that it shall and may be lawful for the mayor, aldermen and commonalty, in common council convened, in every such case, to appoint another such person as aforesaid to be an inspector of the said election in the room and stead of the person before appointed. And further, that each of the said inspectors shall appoint a proper person to act as clerk at each election to be held in the ward for which he shall be so appointed inspector of elections, and shall, before he proceeds to any such election, tender and administer to such clerk the oath following, to wit. " I do solemnly and sincerely swear and declare, in the

presence of Almighty God, that I will, truly and impartially, execute the trust reposed in me as clerk of this election." And that the said clerk shall, upon every such election, in the presence of the said inspector, and in a poll-book to be provided for that purpose, set down the name of each voter, and that of the person for whom he shall vote, and whether he votes as a freeholder or freeman, which said poll-book shall, upon the closing of the poll, at every such election, be subscribed with the proper name and hand-writing of such inspector, and be by him delivered to the clerk of the said city or his deputy. A. D. 1800.
And further, that every such clerk of election shall be allowed for each election the sum of two dollars, to be paid by the said mayor, aldermen and commonalty. Allowance to every clerk of such election.

And be it further enacted, That if any of the aldermen, or other officers of the said city, chosen as aforesaid, shall refuse to serve, or die, or remove out of the said city before the expiration of the time for which he was chosen to serve in any such office, or shall not be legally qualified to serve in such office, then, and in every such case such office shall be deemed to be vacant, and the said mayor, aldermen and commonalty, in common council convened, shall and may order an election to be held to fill every such vacancy, and appoint a place in the ward for which such election is to be held, and a time not less than five days after the making of such appointment for holding such election, and shall forthwith give notice thereof to the inspector of the ward in which such vacancy shall happen, and the said inspector shall thereupon forthwith cause the same to be published by advertisements put up in at

Vacancies in offices how to be filled.

A. D. 1800. least three of the most public places in such ward.

Inspectors neglecting or refusing to act to forfeit 50 dollars. *And be it further enacted, That if any person who shall be appointed an inspector as aforesaid, shall neglect or refuse to execute the said office he shall forfeit for every such offence the sum of fifty dollars, to be levied to the use of the said mayor, aldermen and commonalty, by warrant under the seal of the said city, signed by the mayor or recorder for the time being.*

Provision in case of neglect in appointing an inspector. *And be it further enacted, That in case the said mayor, aldermen and commonalty shall, in any instance, neglect to appoint an inspector for any of the said elections, or such inspector shall not attend or do the duty of his office, then, and in every such case such election shall be had and made in the manner directed by the charter of the said city, this statute, or any other law or statute to the contrary in any wise notwithstanding.*

Qualifications of voters at said elections. *And be it further enacted, That no person shall vote as a freeholder at any of the said elections unless he shall be possessed of a freehold estate, in lands or tenements, in his own right, or that of his wife, to value of fifty dollars, over and above all the debts charged thereon, within the ward where he shall vote, and shall have possessed the same (except it came to him by descent or devise) at least one month before the day of such election. And further, that no person shall vote as a freeman of the said city, at any of the said elections, unless he shall have been admitted to the freedom of the said city at least three months, and have actually resided in the ward for which he shall so vote at least for one month before the day of such election. And further, that every person offering to vote as a freeholder at any such election,*

shall, before he be admitted to vote, take the following oath, if required so to do by the inspector of such election, that is to say, "I do solemnly and sincerely swear and declare that I am a freeholder, and that I hold my estate by descent or devise (if such shall be the case, or if he shall not so hold, then) and that I have been so for one month next preceding this election, and possessed in my own right (or in my wife's right, as the case may be) of a freehold of the value of fifty dollars in the ward in which I now offer to vote; that I do not hold the same in trust for any body politic or corporate, or for any pious or religious use whatsoever; that I have not before been polled at this election, by virtue of the said freehold, and that I have not procured the said freehold under any obligation or promise to convey the same to any other person after this election. And in like manner every person offering to vote as a free-man of the said city, at any such election, shall, if required so to do by the said inspector, take the following oath before he shall be admitted to vote at such election, that is to say, "I do solemnly and sincerely swear and declare in the presence of Almighty God, that I am, and have been for three months last past, a freeman of the city of New-York, and have actually resided in the ward in which I now offer to vote for one month last past, and that I have not been before polled at this election.

And be it further enacted, That if any person offering to vote as a freeholder or freeman as aforesaid, shall refuse to take the oath above prescribed to be by him taken, when thereupon required by the inspector as aforesaid, his vote shall be rejected and disallowed, any

A. D. 1800.

Oath of a freeholder.

Oath of a free man.

The vote of any person refusing to take such oath to be rejected.

A. D. 1800. charter, law, usage or custom to the contrary notwithstanding.

Further qualifications of voters at said elections. And be it further enacted, That every mortgagor or mortgagee when in possession of the mortgaged premises, and not otherwise, shall be deemed a freeholder within the meaning of this act; and that no person holding lands, tenements or hereditaments in trust for any body politic or corporate, or for any religious or pious use or purpose, shall thereby acquire or possess a right to vote, nor shall any person under the age of twenty-one years be qualified to vote at any such election.

Oaths in what manner to be taken by the mayor. And be it further enacted, That it shall and may be lawful for every person hereafter appointed mayor of the said city, at any time within twenty days after such appointment, to take the oaths prescribed by the charter of the said city to be taken by such mayor before such person or persons as may be appointed by commission, under the great seal of this State, in the nature of a *de dimus potestatem* to administer the oaths required to be taken by persons holding offices under this State in the said city, instead of taking the said oaths in the presence of three or more of the aldermen of the said city, any thing in the said charter to the contrary notwithstanding.

The mayor and recorder authorized to hold the court of common pleas without the presence of any aldermen. And be it further enacted, That the mayor and recorder of the said city for the time being, or either of them, shall have power to hold the court of common pleas, called the mayor's court, of and in the said city, without the presence of any of the aldermen thereof, any law, charter, custom or usage to the contrary notwithstanding, but nothing herein contained shall be construed to prevent any of the aldermen of the said city from sitting as judges in the said court.

And be it further enacted, That in the records, A. D. 1800.
 process and proceedings of the same court of common pleas, the words "judges of the same court" shall be inserted instead of the words "mayor, recorder and aldermen of the city of New-York," and all writs and process issuing out of, or returnable into the same court, shall be made returnable before the judges of the same court, and all writs directed to the same court shall be directed to the judges of the court of common pleas, called the mayor's court, in and for the city of New-York.

Form of process
of the said
court.

And be it further enacted, That the terms of the said court of common pleas shall be, and hereby are, lengthened and extended to five days: *Provided,* That the said court may, if they see fit, adjourn to the next term at any time before the end of the said five days, and that the process issuing out of the said court may be tested on any day that the said court continued to sit.

Length of
terms of the
said court.

Proviso.

And be it further enacted, That the said court shall be, and is authorised and empowered to hear, try and determine, according to law, all actions, real, personal and mixed, suits, quarrels, controversies and differences arising within the said city and county, and all transitory actions and suits, although the same may not have arisen within the said city and county, and is hereby authorised to grant new trials in all cases where they shall find it necessary or proper: *Provided,* That no new trial shall be granted otherwise than for irregularity, unless one of the judges present and concurring shall be of the degree of counsellor at law in the supreme court of this state.

Powers of said
court.

Proviso.

And be it further enacted, That the mayor, recorder and aldermen of the said city, or any three of them, of whom the mayor or recorder

The mayor, recorder and aldermen authorised to hold courts of sessions of the peace.

A. D. 1800. always shall be one, shall have power to hold courts of general or special sessions of the peace in the said city and county, any law or usage to the contrary notwithstanding.

Said courts
when to be held,
and how long
continued.

And further, that such courts of general sessions shall be held on the first Tuesdays in June, August, October, December, February and April in every year, and at no other times, and may continue and be held every day (Sunday excepted) until the several Tuesdays next following inclusive, any charter, law, usage or custom to the contrary notwithstanding: and such courts of special sessions may be held at any times that the said mayor, aldermen and commonalty, in common council convened, may direct, and may continue to sit as many days (Sundays excepted) as the said court shall think proper for the dispatch of public business, and either with or without a grand jury, as the said mayor, aldermen and commonalty, convened as aforesaid, shall direct, and shall possess the same powers and jurisdiction in every respect as the said courts of general sessions of the peace.

With or with-
out a grand ju-
ry.

And if the supreme court of judicature of this state, or any court of oyer and terminer or gaol delivery shall at any time be held in the said city during the continuance of the said courts of sessions, or any of them, it shall nevertheless be lawful for the said courts of sessions, by the oath of good and lawful men, to enquire of, hear and determine all felonies and offences committed in the said city and county, in the same manner as if the said supreme court, or court of oyer and terminer, or of gaol delivery, were not then held in the said city and county, any law, usage or custom to the contrary notwithstanding.

Certain powers
to said courts
during the sit-
ting of the su-
preme court or
court of oyer
and terminer.

And be it further enacted, That the special justices for preserving the peace in the city of

A. D. 1800.

New-York, and each of them, shall and may, by virtue of the said office, have and exercise the like powers and authorities as are possessed, or may be lawfully exercised out of the sessions by the aldermen of the said city, in relation to all cases of bastardy, and to all cases respecting apprentices, servants and vagrants or vagabonds, arising within the said city and county, and shall also have power to take recognizances of special bail, and to administer oaths in causes depending in the said court of common pleas, and to take affidavits to be read in the same court, and shall be entitled thereupon to the like fees as the said aldermen respectively would be entitled to receive.

And be it further enacted, That it shall and may be lawful for the said mayor, aldermen and commonalty, in common council convened, whenever by reason of great sickness in the said city, or for any other important cause they shall judge it necessary, to order the courts of justice of the said city (except the court held under the act concerning the recovery of debts and demands to the value of ten pounds) and the meetings of the common council, and of the magistrates, and all other meetings and public business which by law ought to be held in or transacted at the city-hall of the said city, to be held, transacted and done at such other place or places in the said city as they in their discretion shall deem proper and convenient; and thereupon all writs and process made returnable in any of the said courts at the said city-hall, shall be returned at the place assigned for the meeting of such court, and all persons who by law ought to attend such court, common council or meeting, or to transact such business at the said city-hall, shall in like manner, and instead thereof, be bound to attend in, or trans-

Certain powers to the special justices for preserving the peace in the city of New-York.

Certain powers to the mayor, aldermen and commonalty in respect to the courts of justice in case of sickness, &c.

A. D. 1800.

Certain former
acts repealed.

act the same in such place or places so to be assigned as aforesaid.

And be it further enacted, That all former acts or parts of acts heretofore passed by the legislature of this state as come within the purview of this act, shall be, and the same are hereby repealed.

And be it further enacted, That the said mayor, aldermen and commonalty shall be, and they are hereby authorized to appoint, as many weigh masters for the said city as they may, from time to time, think necessary, and the same to displace and appoint others in their stead, whenever they may think proper; and also to fix and alter the compensation such weigh master shall receive for weighing, and all such weigh masters by them so appointed shall, before exercising the duties relative to their office, take and subscribe the following oath or affirmation before the mayor or recorder of the said city, viz.

Oath to be tak-
en by such
weigh-masters.

"I do solemnly and sincerely swear (or affirm, as the case may be) that I will faithfully and honestly, to the best of my skill and understanding, perform the duties of a weigh master in the city of New-York.

CHAP. XXXVI.

An ACT concerning certain debts and demands in the City of New-York, and to amend an act entitled "An act concerning the recovery of debts and demands to the value of ten pounds in the City of New-York.

Passed 21st March, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the court constituted in the city of New-

York, under and by virtue of the act of the A. D. 1800.
legislature of this state, entitled "An act con-
cerning the recovery of debts and demands to
the value of ten pounds in the city of New-
York," passed the sixteenth day of February,
A. D. one thousand seven hundred and nine-
ty-seven, shall have cognizance of, and power
to hear and determine all actions to be brought
by seamen or mariners against the owner or
owners, master or commander of any ship or
vessel in the merchant service, for wages, or
compensation for services on board any such
ship or vessel during any voyage performed,
or in part performed by such ship or vessel
while such person was on board such ship or
vessel in the capacity of seamen or mariner,
notwithstanding such wages or compensation
shall exceed twenty-five dollars. And the said
court shall also have cognizance of, and power
to hear and determine all actions to be brought
by any owner or owners, master or commander
of any ship or vessel in the merchant service,
against any seaman or mariner, for or by rea-
son of the non-performance of any contract
made by such seaman or mariner with such
owner or owners, master or commander of any
such ship or vessel, for services to be perform-
ed by him as a seaman or mariner on board
such ship or vessel, for any voyage performed
wholly or in part, or intended to be perform-
ed, notwithstanding the damages sustained or
sum of money demanded, by reason of the
non-performance of such contract, shall ex-
ceed twenty-five dollars: *Provided always,*

Provido.

And be it further enacted, That nothing here-
in contained shall be construed to give the
said court power to proceed in any of the mat-
ters aforesaid, as a court of admiralty or mari-
time jurisdiction.

The court for
recovery of de-
mands to the
value of ten
pounds empow-
ered to deter-
mine all actions
brought by or
against seamen
in the mer-
chant's service
and owners or
masters of ships
or vessels for
wages and non-
performance of
contracts.

A. D. 1800.

Said court empowered to determine all actions of assault and battery and false imprisonment committed by or upon such seamen and others.

And be it further enacted, That the said court shall also have cognizance of, and power to hear and determine all actions of assault and battery and false imprisonment, or any or either of them, committed or inflicted by any master or commander of any ship or vessel in the merchant service, upon any officer, seaman or mariner, or other person on board of, or belonging to such ship or vessel, upon the high seas, or in any foreign port or place where such ship or vessel may then be, of which the ordinary courts of common law of this state now have cognizance, and of all actions of assault and battery and false imprisonment, or any or either of them, committed or inflicted by any officer of any ship or vessel in the merchant service, upon any seaman or mariner, or other person on board of, or belonging to such ship or vessel, or by any seaman or mariner or other person on board of or belonging to such ship or vessel upon the master, commander, or other officer thereof, or by one seaman or mariner, or other person on board of, or belonging to such ship or vessel, upon another seaman or mariner, or other person on board of, or belonging to such ship or vessel, upon the high seas, or in any foreign port or place where such ship or vessel may then be, of which the ordinary courts of common law of this state now have cognizance, notwithstanding the damages sustained or claimed by reason thereof shall exceed twenty-five dollars.

The parties how to be entitled to trial by jury.

And be it further enacted, That in every action prosecuted in the said court, under and by virtue of this act, the parties shall be entitled to a trial by jury in the same manner, and under the like regulations as is by the said herein before recited act directed, with this difference only, that if the sum or damages demanded or claimed shall exceed twenty-five dollars, it shall be

in the election of either party to have it tried by a jury of twelve men, and for that purpose the officer shall, by virtue of the process, summon twenty men to serve as jurors, and that the officer may be apprised when he shall summon twenty jurors as aforesaid, there shall be an endorsement on the process specifying that the damages claimed exceed twenty-five dollars.

A. D. 1800.
What number
of jurors, and
how to be sum-
moned, when
the damages or
sum claimed
exceed 25 dolls.

And be it further enacted, That the clerk of the said court shall have power, and he is hereby directed, with the approbation and under the direction of the said court, so far as the provisions in this act may make it necessary, to vary the form of the process to be issued from the said court, so as to make them specify with legal accuracy the nature of the action, and the amount of damages claimed or recovered, as the case may require.

And be it further enacted, That if any person or persons shall prosecute any action in the supreme court of this state, or in the mayor's court of the city of New-York, and it shall appear to the court wherein such action shall be prosecuted, at the trial thereof, that the same is within the provisions of this act, the plaintiff or plaintiffs shall not be entitled to recover costs, but shall pay costs of suit to the defendant or defendants in such case to be taxed, unless such plaintiff or plaintiffs shall recover at least one hundred dollars, exclusive of costs.

Persons pro-
secuting actions
within the pro-
visions of this
act in the su-
preme or may-
or's court to pay
costs.

Except as here-
in mentioned.

And be it further enacted, That it shall and may be lawful when any defendant is taken on any warrant issued out of the said court, and the justices of the said court shall not be then sitting, for the constable, or marshal or other officer having such warrant to bring the defendant before the clerk of the said court, who shall thereupon take sufficient security for the appearance of such defendant at the

Process when
the court is not
in session, &c.

A. D. 1800.

Gaoler's fees.

Proviso.

next court day, and in case such defendant shall refuse to give security for his or her appearance at the then next court day to the satisfaction of the said clerk, that then it shall and may be lawful for the constable or marshal having such warrant thereupon to take such defendant to the gaol in the city and county of New-York, and there to deliver him or her to the custody of the keeper of such gaol, who is hereby required to receive such defendant and to keep him or her in safe custody in the said gaol until the next court day, when the constable or marshal having such warrant shall bring such defendant before the said court, and the keeper of the said gaol shall be entitled to receive of the said defendant so committed to his custody twenty-five cents and no more. *Provided*, That the said keeper shall not keep such defendant in his custody upon such warrant for a longer time than forty-eight hours, and if the constable or marshal having such warrant, or some other constable or marshal who may be directed by the said court in writing, shall neglect to receive such defendant from the said keeper of the said gaol within forty-eight hours, so as to bring him before the said court, that then the said keeper may discharge such defendant from his custody.

One of the justices of said court in any action authorised to receive the defendant's confession, give judgment, and grant execution.

And be it further enacted, That it shall and may be lawful in any suit for any one of the justices of the said court, without the presence of another of the said justices, to receive the confession of the defendant or defendants of the action of the plaintiff, and of the debt and damages or sum of money due to the plaintiff, and to give judgment for the amount of the debt and damages or sum of money so confessed, and grant execution therefor in like manner as if any two of them were present.

And be it further enacted, That it shall and may be lawful for the justices of the said court, or a major part of them, in case of any public calamity or imminent danger thereof, to adjourn the session of the said court from the city-hall of the said city to some other fit and convenient place within the city and county of New-York, and there to hold the said court during such time as to the said justices, or a major part of them may appear necessary, and that all processses of the said court, in case of such adjournment, shall and may be made returnable, and all persons shall be bound to appear at such place appointed by the said justices, or a major part of them, in like manner as if the said court were held at the city-hall of the said city.

And be it further enacted, That each of the said justices of the said court shall have power to take affidavits and depositions, to be read and used in the supreme court of judicature of this State, according to the rules and practice of the said court, which shall have the same force and effect as if taken before any judge of the said court, or any commissioner empowered by law to take such affidavit, and shall be entitled to such fees therefor as are allowed by law for such services.

And be it further enacted, That in addition to the fees allowed to the justices of the said court by the said before recited act, the following fees shall be allowed to the said justices: That is to say,
 For every summons or warrant, twelve cents.
 For administering an oath in court, six cents.
 For entering every adjournment
 in a cause at the request of
 the plaintiff or defendant, twelve cents.

A. D. 1800.

Justices may adjourn the session of the court from the city-hall to some other part of the city in certain cases.

In case of such adjournment processses how to be returnable, &c.

Said justices empowered to take affidavits to be read in the sup. court.

Further allowance to the said justices.

A. D. 1800. *And be it further enacted*, That this act shall be adjudged, deemed and taken to be a public act.

Mayor or recorder authorised to hold courts of common pleas without the presence of any aldermen.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the mayor or recorder of the city of Albany for the time being shall, from time to time, and at all times hereafter, have power to hold the court of common pleas, called the mayor's court, of and in the said city, without the presence of any of the aldermen of the said city, any law, charter, custom or usage to the contrary notwithstanding; but nothing herein contained shall be construed to prevent any of the aldermen of the said city from sitting as judges in the said court.

And in certain cases to appoint the place of meeting of the com. council. *And be it further enacted*, That in case the city-hall of the said city shall at any time be destroyed, or it shall in any wise become inconvenient for the common council to assemble there, it shall be lawful for the mayor or recorder of the said city to convene the said common council at such other place within the said city as the said mayor or recorder shall appoint.

Preamble.

An ACT to authorize the Supervisors of the County of Washington to raise a sum of money for the purposes therein mentioned.

Passed the 21st of March, 1800.
WHEREAS the supervisors of the county of Washington have, by their peti-

tion, prayed an act to authorise them to raise the sum of four hundred dollars upon the free-holders and inhabitants of the said county, for the purposes of defraying the expence of erecting a building for the safe keeping of the records of the said county: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the supervisors of the said county of Washington, at their next annual meeting be, and they are hereby authorised to levy and raise on the freeholders and inhabitants of the said county, a sum not exceeding the sum of four hundred dollars, with an additional sum of five cents on the dollar for collecting the same, which sum shall be raised, levied and collected in like manner as the other necessary and contingent charges of the said county are by law levied and collected.

Supervisors au-
thorised to raise
400 dollars by
tax.

And be it further enacted, That such sum as shall be so levied and collected shall be paid into the treasury of the said county on or before the first day of February in the year eighteen hundred and one, and the treasurer of the said county is hereby directed to pay the same to the order of the supervisors for the time being, who are hereby required and directed to apply the same for the purpose of building or procuring a suitable house for the safe keeping of the records of the said county, on such conditions, limitations and restrictions as the supervisors may deem proper for the purposes aforesaid.

To be paid into
the Treasury &
applied as here-
in directed.

A. D. 1800.

CHAP. XXXIX.

An ACT to amend an act entitled "An act to vest certain powers in the Freeholders and Inhabitants of the village of Poughkeepsie."

Passed the 21st of March, 1800.

All persons qualified to vote at Town-meetings to be considered as electors of trustees.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That in all future elections to be had under the said act for trustees, all the freeholders and inhabitants of the said village of Poughkeepsie, qualified to vote at town meetings, shall be deemed and considered electors qualified to vote for such trustees, any thing in the said act to the contrary thereof notwithstanding.

CHAP. XL.

An ACT establishing an allowance to the Commissioner of Excise in the City and County of New-York.

Passed the 21st of March, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the first day of February, 275 dollars per annum allowed to the commissioner of excise for the city and county of New-York for the time being, shall be entitled for his services to the sum of two hundred and seventy-five dollars per annum, instead of the compensation now allowed by law, which it shall and may be lawful for him to retain out of the monies which shall or may come into his hands from the duty of excise aforesaid.

CHAP. XLI.

A. D. 1800.

An ACT to amend the act entitled "An act further to amend the act entitled "An act for the partition of lands.

Passed the 21st of March, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the act entitled "An act further to amend the act entitled "an act for the partition of lands," passed the twenty-fifth of March, one thousand seven hundred and ninety-four, be, and the same is hereby extended to, and deemed to comprehend the town of Brooklyn, in King's county.

The act herein recited, extended to Brooklyn, in King's county.

CHAP. XLII.

An ACT providing for the Indians residing at New-Stockbridge.

Passed the 21st of March, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the sum of one thousand dollars be, and the same is hereby appropriated for the purpose of erecting a house of public worship for the use of the said Indians, upon such spot within New-Stockbridge as the commissioners herein after appointed shall designate for that purpose.

1000 dollars appropriated for erecting a house of worship in New-Stockbridge.

And be it further enacted, That John Sergeant, Thomas R. Gold and Abraham Van Eps, be, and they hereby are appointed commissioners for the purpose of carrying this act into effect, and the Comptroller of this state is hereby authorised and directed to draw his warrant on the Treasurer thereof in favour of the said commissioners, or their order, for the aforesaid sum of one thousand dollars; and the said commis-

Commissioner appointed to carry this act into effect.

Comptroller to draw his warrant for said sum in favor of the commissioners who are to account for the same.

A. D. 1800.

sioners, or any two of them, shall, within two years from the passing of this act, compleat, for the use of the said Indians, the aforesaid building, the expence of which shall not exceed the sum appropriated as aforesaid; and shall, within six months thereafter, account with the Comptroller for the expenditure of the same.

CHAP. XLIII.

An ACT to amend an act entitled "An act to restrain the feeding and burning the Grass and cutting the Timber on certain Beaches and Islands therein mentioned," passed the twenty-fourth day of April, one thousand seven hundred and eighty-four, and for other purposes.

Passed the 21st of March, 1800.

Part of the
herein recited
act, repealed.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That so much of the above recited act as authorises any person or persons to take, seize and keep, for their own absolute property, any horses or neat cattle found on the said beach, shall be, and the same is hereby repealed.

Owners of horses or neat cattle found on the beach herein described, to forfeit 5 dollars,

Or on not appeasing within 48 hours, such

And be it further enacted, That from and after the first day of May next, if any horses or neat cattle shall be found on that part of the beach lying between Mastic West Inlet and Long Cove, the owner or owners thereof shall forfeit and pay to any person or persons who shall take, seize and keep the same, the sum of five dollars for each horse or neat beast so found; and in case no person shall appear and pay the said sum of five dollars within forty-eight hours after such horses or neat cattle shall be so taken, the person or persons taking or seizing the same shall advertise the

said horse or horses, neat beast or beasts, in two or more public places in the town of Brookhaven, at least six days; and at the expiration thereof shall proceed to sell the same at vendue, and out of the money arising therefrom to retain in his or their hands the sum of five dollars, with costs, not exceeding seventy-five cents, returning the overplus money, if any there be, to the owner or owners thereof.

A. D. 1800.

horses and cattle to be advertised and sold.

And whereas doubts have arisen respecting the true construction of the twelfth section of the act, entitled "An act for the better clearing, regulating and further laying out public highways in Suffolk county, Kings county and Queens county, for the removal of which,

Recital respecting the true construction of a section of a certain act.

Be it further enacted, That it shall and may be lawful for each of the overseers of highways in the respective towns in said counties to cut and use for the purpose of improving the highways and bridges any timber that may be found growing on the highways in any part of the said town for which he is an overseer; and all such timber on the highways as shall not from time to time be cut and used for the purpose of improving the highways and bridges in said towns, shall be, and remain the sole property of the owner or owners of the land adjoining the said highways.

Certain powers to the overseers of highways in the said towns.

CHAP. XLIV.

An ACT for the relief of Joshua Quereau and Elias Quereau.

Passed 21st March, 1800.

WHEREAS it appears to the Legislature, that John Johnson of Westchester county, and Anna his wife, by indenture, bearing

Preamble stating the case of John Johnson and Anna his wife.

A. D. 1800. date the ninth day of May, one thousand seven hundred and sixty-nine, conveyed to Gilbert Bloomer and Joshua Purdy, certain real property at Peckskill, in trust to sell the same for the repayment of six hundred pounds due and owing by the said John Johnson to Joshua Quereau and Elias Quereau, that Elias Quereau the father of the said Joshua and Elias, by his last will and testament, bequeathed to his said two sons the said six hundred pounds, of which John Johnson, by his intermarriage with said Anna, the widow of the said Elias Quereau, deceased, had been possessed, and had converted the same during the infancy of the said legatees to his own use; that the estate of the said John Johnson hath been forfeited by his attainder, and the property so conveyed as aforesaid in pursuance of an act, entitled "An act for the further direction of the Treasurer, passed the seventh of March, one thousand seven hundred and ninety-three, was sold by the Treasurer of this State for the sum of three hundred and thirty pounds, which was paid into the treasury on the twenty-eighth day of November, one thousand seven hundred and ninety-three. That by the said act it is declared, that the conveyance for the said property to be executed by the Treasurer, shall operate as a warranty on the part of the people of this State, to the purchaser or purchasers thereof. And whereas it also appears that the said claim of the said Joshua Quereau and Elias Quereau, has not been satisfied: Therefore;

And of Joshua
and Elias Quereau.

The Treasurer
to pay said Josh-
ua and Elias
Quereau, £.330
with interest,
on certain con-
ditions.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the Treasurer of this State, pay to the said Joshua Quereau and Elias Quereau, or to their legal representatives the said sum of three hundred and thirty pounds, with the interest

A. D. 1800.

thereof, at the rate of six per cent. per annum, from the said twenty-eighth day of November, one thousand seven hundred and ninety-three, on their and the said Joshua Purdy, who has survived the said Gilbert Bloomer, deceased, releasing and conveying to the people of this State, all their right, title and interest to the said premises.

CHAP. XLV.

An ACT making provision for draining a certain tract of Swamp and Bog Meadow known by the name of the Beaverdam in the town of New-Windsor, in the county of Orange.

Passed 21st March, 1800.

WHEREAS there is a certain tract of swamp and bog meadow in the town Preamble. of New-Windsor, in the county of Orange, commonly called the Beaverdam, adjoining the lands of John Ellison, which is so far overflowed or drowned as to render the same unfit for agricultural purposes. And whereas the proprietors of said swamp and bog meadow conceive the same may be made fit for the culture of hemp, mowing and pasture: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That Noah Townsend, John Denniston and Francis Crawford, or any two of them, or the survivors or survivor of them shall be inspectors to finally settle and determine the number of acres of swamp and bog meadow belonging to each proprietor or occupant in said tract, which may in their opinion be benefitted by draining or ditching the same, which settlement and determination shall be delivered in

Inspectors named to determine the number of acres of swamp belonging to each proprietor or occupant.

A. D. 1800. writing to the Treasurer hereafter to be chosen by virtue of this act.

A sum not exceeding 400 dollars, to be paid by the proprietors and occupants, to the commissioners herein named and how to be applied.

And be it further enacted, That for the purpose of draining the said swamp and bog meadow a sum not exceeding four hundred dollars, shall be paid by the proprietors and occupants thereof in proportion to the number of acres they shall respectively own and possess, and that will be benefitted thereby as settled by said inspectors, which sum shall be paid to Jonas Williams, James Moores, Robert Boyd, Leonard D. Nicoll and Isaac Schultz, commissioners, to be by them applied in paying all incidental charges that shall arise in or about the business of draining said swamp or bog meadow, in such manner as they, or a majority of them may think proper, by cutting, or causing to be cut, one or more main ditch or ditches, to begin at or near the south bounds of said tract of swamp or bog meadow, and to continue or extend as far northerly as the said commissioners, or a majority of them, shall think proper.

Which payment, in case of default, how to be recovered.

And be it further enacted, That each proprietor or occupant shall, within three months after the said inspectors have settled and determined the respective proportions of the said sum, not exceeding four hundred dollars as aforesaid, pay the same to the said commissioners, or either of them, and in default thereof, it shall be lawful for the said commissioners, or the survivors or survivor of them, to recover the same by due course of law, with interest and costs of suit.

And be it further enacted, That for the defraying the expence of clearing and scouring such main ditch or ditches as shall be made by the directions of the said commissioners for draining said swamp or bog meadow, the proprietors or occupants thereof for the time be-

Said proprietors or occupants to make certain annual payments to the treasurer to be appropriated for

ing, shall for every acre as settled by the said inspectors, pay such sum annually, not exceeding three cents, if a majority of them, at their annual meeting shall think proper, to be computed from the first day of January, one thousand eight hundred and three, on or before the first day of May, in every year thereafter to the treasurer, to be chosen annually by a majority of said proprietors, who shall meet on the first Monday in January for that purpose, at the dwelling house of James Moores, one of the said proprietors; and in case any proprietor or occupant shall neglect to pay annually on the first day of May, such sum not exceeding three cents per acre, as settled by the said inspectors as aforesaid, the Treasurer for the time being may sue for and recover the same, before any justice of the peace in the said county, with interests and costs of suit, which Treasurer shall apply the money, or such part thereof as he may deem necessary, to clearing and scouring said ditch or ditches, who shall also render an account of the expenditure of said monies to said proprietors or occupants so met as aforesaid, and the monies, (if any) the papers and accounts respecting said swamp or bog meadow, he shall then deliver to the Treasurer who may be chosen to succeed him.

And be it further enacted, That any proprietor or occupant who shall be desirous of having one or more line ditch or ditches made, shall give at least thirty days notice of his or her intention, to the person or persons owning or possessing the part or parts adjoining; and if after such notice any person or persons shall neglect or refuse to make one equal half part of such line ditch or ditches, the person so giving notice may proceed to dig such ditch

A. D. 1800.
the within
mentioned pur-
poses.

And in case of
any lot liable to
prosecution.

Said Treasurer
to account to
the proprietors
or occupants for
the expenditure
of such money.

Expence for line
ditches to be
paid by the par-
ties each one
half.

A.D. 1800.

or ditches, and may sue the other party or parties respectively for the one half of the expences thereof, before any justice of the peace of the county, and shall recover the same, with interest and costs of suit.

Said line ditches
how wide and
deep to be cut.

And be it further enacted, That all line ditches as aforesaid shall be cut four feet wide and two and a half feet deep, unless the parties shall otherwise determine and agree.

Commissioners
authorised to
sell for a term
of years any lots
on the owners
neglecting or
refusing to pay
their assessment.

And be it further enacted, That the commissioners aforesaid are hereby authorised to dispose of, at public auction, for a term not exceeding ten years, giving at least six months previous notice thereof, by advertisement inserted in one of the public newspapers of said county, any lot or lots contained in said swamp or bog meadow, the owner or owners thereof neglecting or refusing to pay the sum or sums assessed thereon by the said inspectors, and give lease or leases for the same to any person or persons who may purchase said lot or lots.

Further autho-
rity of said com-
missioners in
cases of damage.

And be it further enacted, That in case the said commissioners shall find it necessary to continue such ditch or ditches over lands adjoining said south bounds of the tract of swamp or bog meadow aforesaid, for the purpose of draining the same more effectually, the commissioners aforesaid are hereby authorised to agree and settle with the owner or owners of said lands for such damage as is likely, in their opinion, to be sustained by such owner or owners, in consequence of the ditch or ditches they shall make for draining said swamp or bog meadow, and pay such sum or sums as shall be agreed on, out of the said sum of four hundred dollars, or such other sum as shall be raised for the purpose of ditching said swamp or bog meadow; and if they do not agree as aforesaid, on application by the said commissioners for that purpose, the judges of

A. D. 1800.

the court of common pleas of said county (not interested in the premises) or a majority of them, are hereby authorised to appoint three reputable freeholders in the said county, not interested in the said lands, to appraise and ascertain what damage (if any) the owner or owners of such lands may probably sustain by means of ditching or draining said swamp or bog meadow ; and if the said commissioners shall judge proper to pay such appraisement to the owner or owners, they may, upon payment of the same, proceed to cut, or direct the cutting such ditch or ditches as said commissioners may deem proper and necessary, any law to the contrary notwithstanding.

CHAP. XLVI.

An ACT altering the terms of the Courts of Common Pleas and General Sessions of the Peace in the Counties of Columbia and Schoharie.

Passed 21st March, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the courts of common pleas and general sessions of the peace in the county of Columbia shall hereafter be held on the second Monday of May, and on the second Monday of September, and on the second Monday of January in each and every year, and may be held and continued until Saturday next following the commencement of such courts inclusively, or may be sooner adjourned to the next term, if the business in the same courts will admit, and the same courts shall see fit. *Provided, however,* That such adjournment shall not affect the teste, return or service of any writs issued prior to such adjournment.

Courts when to be held, and in what cases continued.

Proviso.

A. D. 1800.

Writs issued in
certain cases
when returna-
ble.

Respecting bail
bonds and re-
cognizances.

Courts in Scho-
harie when to
be held.

Provision in the
last preceding
section extend-
ed to them.

*And be it further enacted, That all writs is-
sued out of the said court of common pleas
before the said second Monday in May next,
may be made returnable either on the said
second Monday in May next, or on the last
Monday in May next, and in cases in which
writs have been made returnable on the last
Monday in May next, such writs shall be re-
turned on the said second Monday in May next,
and all bail bonds whereby any persons shall
have been or may be let to bail shall be deemed
and adjudged to require the appearance of
the parties so let to bail on the said second
Monday in May next, notwithstanding the
same may be conditioned for the appearance
of the parties therein on the last Monday in
May next. And all recognizances whereby
any person or persons are bound and requir-
ed to appear on the said last Monday in May
next shall be deemed and adjudged to require
such person or persons to appear at the said
general sessions of the peace on the said se-
cond Monday in May next, any law to the
contrary notwithstanding.*

*And be it further enacted, That the term of
the courts of common pleas and general ses-
sions of the peace for the county of Schoha-
rie (now directed by law) to be holden on
the last Tuesday of May shall hereafter be
held on the third Tuesday in May in each
and every year, and that the provisions
contained in the preceding section of this act
relative to the issuing and return of writs and
to bail bonds and recognizances, shall be con-
strued and deemed to extend to the said
courts of common pleas and general sessions
of the peace to be holden in the said county
of Schoharie on the said third Tuesday in
May next.*

CHAP. XLVII.

A. D. 1800.

*An ACT for dividing the Town of Marlborough
in the County of Ulster.*

Passed 21st March, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the last day of March instant, the town of Marlborough be divided into two separate towns, by a line begining on the division line between said town and the town of Newburgh two chains and seventy-five links east of the north corner of a tract of land called the Five Patentees, from thence on a straight line northward to the most easterly bounds of Robert Tift's land where it joins the town of New-Paltz, and all that part of the said town of Marlborough situate on the westerly side of said line shall be and is hereby erected into a separate town by the name of Platteekill. And the remaining part of said town shall be and remain a separate town by the name of Marlborough, and the first town-meeting in the said town of Marlborough shall be held at the house of David Merritt, and the first town-meeting in the town of Platteekill shall be held at the house of Robert Gilmore.

And be it further enacted, That as soon as may be after the first Tuesday in April next the overseers of the poor and the supervisors of the said towns shall, after due notice being given for that purpose by the supervisors of said towns, meet together and apportion the money and poor belonging to said town of Marlborough previous to the division thereof in as equitable a manner as may be. And in case the supervisors and overseers of the poor cannot agree in the division of the money and poor as aforesaid, then the supervi-

Marlborough
divided into two
towns.By the name of
Platteekill &
Marlborough.Supervisors and
overseers of the
poor to appor-
tion the money
and poor, &c.

A. D. 1800. Sors of the county of Ulster, at their annual meeting, shall make such division of the money and poor aforesaid as shall appear most equitable to the major part of them.

CHAP. XLVIII.

An ACT for the relief of Israel Spencer and his Associates.

Passed 21st March, 1800.

Preamble.

WHEREAS Israel Spencer, hath by his petition, in behalf of himself and twenty-nine others his associates, represented to this Legislature that in pursuance of the act, entitled "An act to authorize the commissioners of the land-office to grant certain lands to Israel Spencer and others," they have paid into the treasury of this State, the full amount of the payments required in and by the said act, to entitle themselves to letters patent for the lands therein mentioned, but that two of the said payments were not fully made at the precise times prescribed therefor: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the commissioners of the land-office, and they are hereby directed to grant to the said Israel Spencer and his associates, named in the said recited act, the lands therein directed to be granted, and in the manner therein directed, on satisfactory proof made to them, that the sums of money mentioned in the said recited act have been paid.

Commissioners
of the land-of-
fice directed to
grant letters pa-
tent to said Is-
rael Spencer &
associates.

A. D. 1800.

CHAP. XLIX.

An ACT relative to Religious Societies.

Passed 21st March, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the twelfth section of the act, entitled "An act to enable all the religious denominations in this State to appoint trustees, who shall be a body corporate for the purpose of taking care of the temporalities of their respective congregations, and for other purposes therein mentioned," shall not be construed to extend to any church, congregation or religious society, other than those in the cities of New-York, Albany and Schenectady, and the trustees and corporation of every congregation or religious society within this State, are hereby restored to all the rights and privileges which they may at any former period have been possessed of, and which may have been forfeited or lost by reason of a non-compliance with the directions contained in the said twelfth section of the said recited act.

The 12th sec-
tion of the act
herein recited
restricted.

Trustees & cor-
porations restor-
ed to rights and
privileges which
they may have
forfeited or lost.

CHAP. L.

An ACT for the Relief of John Steward.

Passed 21st March, 1800.

WHEREAS John Steward, of the county of Orange, hath deposited certificates commonly called class-rights in the Surveyor-General's office, whereby he became entitled to locate four hundred acres of unappropriated land. And whereas the said John Steward did, in the year one thousand seven hundred and eighty-nine, locate a tract of land situate in the town of Walkill and

Preamble recit-
ing the case of
John Steward.

F

A. D. 1800

county of Ulster, estimated to contain three hundred and thirty-two acres, and did obtain a grant for the same. And whereas it hath been ascertained that the tract so located by him doth not contain more than three hundred acres, by reason whereof the said John Steward is entitled to locate an additional quantity of one hundred acres of unappropriated lands. And whereas it appears by the Surveyor-General's report, that there is a tract of one hundred and thirty acres of land lying between the patent of Deerpark and patents granted to Thomas Palmer and others in the aforesaid county of Orange, which the said John Steward is desirous to locate. And whereas it will be beneficial to this State that the whole of the said tract of one hundred and thirty acres should be granted on reasonable terms to the said John Steward: Therefore,

Said John Steward authorised to locate 100 acres of land.

The commissioners of the land-office authorised to grant him letters patent.

Proviso.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the said John Steward to locate one hundred acres of the said tract of one hundred and thirty acres of land to make up the deficiency of the said four hundred acres which he became entitled to as aforesaid. And further, that it shall be lawful for the commissioners of the land-office, and they are hereby authorised and directed to grant letters patent to the said John Steward for the residue of the said tract of one hundred and thirty acres of land upon his producing a survey thereof at his own expence from the Surveyor-General. Provided, That the said John Steward shall pay into the Treasury of this State for such residue at the rate of one dollar per acre, and shall, before the granting of such letters pa-

tent, produce a receipt of the said treasurer A. D. 1800.
for the purchase money.

CHAP. LI.

An ACT to alter the Division Line between the Counties of Orange and Rockland.

Passed 21st March, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That instead of the boundary line between the said counties, established in and by the first section of the act entitled "An act for dividing the county of Orange," the following shall be the boundary or division line between the said counties, to wit: beginning at the mouth of Poplopen's Kill, on Hudson's river, and running from thence on a direct course to the east end of Michael Weiman's mill-dam, across the Ramapough river, and from thence a direct course to the twenty mile stone standing in the division line between this state and the state of New-Jersey, any thing in the said recited act to the contrary, in any wise, notwithstanding.

The boundary
or division line
between said
counties estab-
lished.

And be it further enacted, That it shall be the duty of the first judges of the said counties of Orange and Rockland, and they are hereby required, as soon as conveniently may be, to cause the said division line to be accurately run and marked, and audit the account of the surveyor who shall perform the same, and certify two copies thereof, and transmit one copy to the board of supervisors of the county of Orange, and the other to the board of supervisors of the county of Rockland; and the said respective boards of supervisors are hereby required to cause one moiety of the said expences to be levied and collected in their respective counties as the other contingent ex-

Certain duties
of the first judges
of the said coun-
ties.

And of the re-
spective boards
of supervisors.

A. D. 1800.

pences of the said counties are collected, and pay the same to the surveyor aforesaid.

CHAP. LII.

An ACT supplementary to the act entitled "An act for vesting a certain Tract of Land in Trustees for the benefit of Peter Otsequette."

Passed 21st March, 1800.

Appropriation
of the proceeds
arising from a
certain tract of
land.

Duty of the
Treasurer and
Comptroller.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the rents already accrued, or that may hereafter accrue, upon the lease of the tract of land directed to be granted to Peter Otsequette, by the act entitled "An act for vesting a certain tract of land in trustees for the benefit of Peter Otsequette," passed the 18th of March, 1791, shall be applied to the support and education of the children of the said Peter Otsequette, (who is now deceased) and for that purpose the Treasurer of this state shall, upon the warrant of the Comptroller, pay all such rents as may be by him received, to the Assistant Attorney-General for the district in which the said children reside, to be by him applied, from time to time, to and for the uses aforesaid, and thereupon to account with the said Comptroller for the expenditure of all monies so paid to him as aforesaid.

CHAP. LIII.

An ACT concerning Supervisors.

Passed 21st March, 1800.

Compensation
to supervisors.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That each of the Supervisors of the several

A. D. 1800.

and respective counties of this State, when attending the meetings of the board of supervisors in their respective counties, on public business shall be allowed, as a compensation for their services and expences, the sum of two dollars per day, and no more, for every day they shall respectively be necessarily so employed, to be paid by their respective counties, and to be raised, levied and collected as part of the contingent expences of the said counties respectively.

How to be levied.
ed & collected.

CHAP. LIV.

An ACT to vest certain powers in the Freeholders and Inhabitants of the Village of Newburgh.

Passed 25th March, 1800.

WHEREAS it has been represented to the Legislature by the inhabitants of the village of Newburgh, that the existing laws are inadequate to answer the end of enabling them to regulate their interior police: Therefore,

Preamble.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the district of country contained within the following bounds, that is to say, beginning at the mouth of a brook or creek called Chambers's creek, thence westerly along the said creek as it runs to the southwest corner of a tract of land commonly called the German patent; thence along the west line of the said tract of land to the north line of a tract of land commonly called the Glebe land; thence along the north line of the last mentioned tract of land easterly to the Hudson's river, and continuing the said course to

The district
within the
bounds herein
described to be
known by the
name of the vil-
lage of New-
burgh.

A. D. 1800.

Election for
trustees now to
be made.

the east bounds of the county of Orange; thence southerly along the east bounds of the said county until an east line from the mouth of Chambers creek aforesaid shall intersect the last mentioned line, and thence to the place of beginning, shall hereafter be known and distinguished by the name of the village of Newburgh. And the freeholders and inhabitants who are qualified to vote at the town-meetings, who may from time to time reside within the aforesaid limits, may, on the first Tuesday of May next, meet at some proper place to be appointed by any justice or justices of the peace within the said village, and notified to the inhabitants thereof at least one week previous to the said first Tuesday of May, and then and there proceed to elect seven discreet freeholders resident within the said village to be trustees thereof, who, when chosen, shall possess the several powers and rights herein after specified, and such justice or justices shall preside at such meeting, and shall declare the several persons having the greatest number of votes as duly chosen trustees. And on every first Tuesday of May, after the first election of the trustees, there shall, in like manner, be a new election of trustees for the said village, and the trustees for the time being shall perform the several duties required from the said justice or justices in respect of notifying the meeting of the freeholders and inhabitants of the village, and presiding at such election.

The freeholders
and inhabitants
within such dis-
trict incor-
porated.

And be it further enacted, That all the freeholders and inhabitants residing within the aforesaid limits be, and they are hereby ordained, constituted and declared to be, from time to time, and forever hereafter, one body politic and corporate, in fact and in name, by the name of the trustees of the village of New-

A. D. 1800.

burgh ; and by that name they and their successors shall and may have perpetual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, complaints and causes whatsoever ; and that they and their successors may have a common seal, and may change and alter the same at pleasure, and shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said village, and of erecting public buildings, such as fire engine house or houses, of raising money by tax for erecting those public buildings, or making any other necessary repairs or improvements, which money so to be raised shall be assessed upon the freeholders and inhabitants of the said village according to law, by not less than three, nor more than five, judicious assessors, who shall be freeholders in said village, to be by the freeholders and inhabitants of the said village, qualified to vote at town meetings, chosen at their annual meetings, and collected by the collector of the corporation in like manner as the taxes of towns and counties are collected, by virtue of a warrant to him directed by a majority of the trustees : *Provided nevertheless, That no tax* With proviso.

A. D. 1800.

Further powers
of said trustees.

Provfo.

Paving the
streets.

And be it further enacted, That it shall and may be lawful for the trustees of the said village, or the major part of them, by this act to be chosen, and for their successors in office, forever, from and after the first Tuesday in May next, to make, ordain, constitute and publish, such prudential bye-laws, rules and regulations as they, from time to time, shall deem meet and proper, and such in particular as are relative to public markets within the said village, relative to the streets, alleys and highways of the said village, and draining, filling up, paving, keeping in order and improving the same, relative to slaughter-houses and nuisances generally, relative to a town watch and lighting the streets of the said village, relative to the number of taverns or inns to be licensed in the said village, relative to the restraining geese, swine, or cattle of any kind, relative to the better improving their common lands, relative to the inspection of weights and measures, relative to erecting and regulating hay scales, and relative to any thing whatsoever that may concern the public, and good government of the said village; but no such bye-laws shall extend to the regulating or ascertaining the prices of any commodities or articles of provision (except the article of bread) that may be offered for sale: Provided always, That such bye-laws be not contrary to, or inconsistent with, the laws and statutes of this state or of the United States: Provided always,

And be it further enacted, That any monies to be raised for paving any street or streets, shall be assessed, levied and collected in a just and equitable manner, of and from the owners or occupants of all the houses and lots adjoining such street or streets so to be paved, in proportion, as nearly as may be, to the ad-

vantages which each shall be deemed to acquire respectively, any thing in this act to the contrary notwithstanding. A. D. 1800.

And be it further enacted, That the said trustees, or the major part of them, as often as they shall make, ordain and publish any such bye-laws for the purposes aforesaid, may make, ordain, limit and provide such reasonable fines against the offenders of such laws as they may think proper, the same not exceeding twenty-five dollars for any one offence, to be prosecuted and recovered before any justice of the peace, or court having cognizance of the same, with costs of suit, by the trustees, to and for the use of said corporation. Fines how to be recovered.

And be it further enacted, That it shall and may be lawful for the trustees of the said village of Newburgh, or the major part of them and their successors, at any time after the first Tuesday in May next, to make, ordain, constitute and publish a bye-law, prohibiting any baker, or other person within the aforesaid limits, from selling any bread at any higher price or rate than bread of the like quality at the time of such sale shall be assized in and for the city of New-York by the corporation of the said city, under the penalty of one dollar for every offence, to be recovered by the said trustees before any justice of the peace residing in the said village, or county of Orange, in an action of debt, with costs of suit, for the use of the said corporation. Of regulating the assize of bread.

And be it further enacted, That the freeholders and inhabitants of the said village of Newburgh, qualified to vote at town meetings, at their annual town meetings on the first Tuesday in May, in every year hereafter to be held for choosing trustees, or at any other meeting duly notified, shall and they are hereby authorized and empowered to choose not less

Corporation of officers how to be chosen.

A. D. 1800. than three, nor more than five judicious inhabitants being freeholders, as assessors, one treasurer, being also a freeholder, one collector, and as many fire-wardens as the trustees for the time being, or the major part of them may order and direct ; and that at every such election the person or persons having the greatest number of votes for such offices respectively, shall be deemed to be duly chosen ; and in case a vacancy should happen by the death, removal out of the said village, refusal or incapacity to serve, of any of the assessors, the treasurer, collector or fire-wardens, it shall be the duty of the trustees, or the major part of them, within ten days thereafter, to appoint some suitable person to fill such vacancy ; and the person so to be appointed shall be vested with the like powers, and subject to the same penalties and restrictions as if elected by the freeholders and inhabitants of said village as above mentioned.

Who are respectively to take an oath.

And be it further enacted, That the said trustees, treasurer, collector, assessors and fire-wardens shall, within ten days after each and every election, and before they proceed to the exercise of their several offices, respectively take and subscribe an oath or affirmation before any justice of the peace in the said village or county, for the faithful execution of the trust or office to which they may be severally chosen or appointed.

Treasurer and collector to give security.

And be it further enacted, That the treasurer and collector hereafter to be elected shall, before they enter upon the execution of their respective offices, respectively give such security for the faithful performance of the trusts reposed in them, as the major part of the trustees for the time being shall deem sufficient.

And be it further enacted, That if any of the inhabitants of said village, qualified as afore-

said, shall hereafter be elected or appointed a trustee, or to the office of assessor or fire-warden, and having notice of said election, shall refuse, deny, delay or neglect to take upon him or them to execute such trust or office to which he or they shall be elected, then, and as often as it shall happen, it shall and may be lawful for the trustees, or the major part of them, to assess and impose upon every such person or persons so neglecting, delaying or refusing, such reasonable fine or fines as they the said trustees, or the major part of them, may think fit, so as such fine for each refusal, denial, delay or neglect shall not exceed the sum of twenty dollars; all which said fines shall and may be recovered by action of debt, before any justice of the peace in the said county of Orange, or court having cognizance of the same, to be prosecuted, recovered and received by the said trustees, with costs of suit, to and for the use of the said corporation; that in all cases where the trustees of the village of Newburgh are authorized, empowered or required to sue or prosecute for any debts, penalties, fines or forfeitures, by virtue of this act, it shall be deemed sufficient for the said trustees for the time being, in any suit or action to be brought for any such debts, penalties, fines or forfeitures, to declare generally that the defendant or defendants is or are indebted to the trustees of the village of Newburgh in the amount of such debt, penalty, fine or forfeiture by virtue of this act, to be paid to the said trustees for the time being when thereunto required, and under such declaration to give the special matter in evidence. And whereas it is necessary, for the good order and government of the said village, that it should be more particularly the business of some one of the trus-

A. D. 1800.

Officers elected
and refusing to
act how to be
dealt with.

Trustees autho-
rised to prose-
cute, how to
proceed.

Recital.

A. D. 1800.

trustees of the said village to attend to its more immediate concerns : Therefore,

General powers
of the trustees
defined.

Be it further enacted, That the trustees, within ten days after their being elected, in every year hereafter, or the major part of them, shall, and it is hereby made their duty, to assemble in some convenient place in the said village, and there to choose and appoint some one suitable person of their body to be president of the said board of trustees, whose duty it shall be, when present, to preside at the meeting of the trustees, to order extraordinary meetings of the trustees whenever he may find it for the interest of the village so to do, to receive complaints of the breach of any bye-laws, to see that all the bye-laws, rules and ordinances are faithfully executed, and prosecute, in the name of the trustees, all offenders against such bye-laws, to receive and lay before the trustees the returns of the fire-wardens, and who, with the consent of the major part of the trustees, shall appoint, under his hand and the seal of the said village, the company of firemen, to inspect the utensils belonging to the said village for extinguishing fires, and whose duty it shall be more particularly to see the engines and fire utensils, engine houses, and all other public property belonging to the said village, suitably and properly taken care of and kept in order, and to do all such other acts and things as may be proper for him as president of the board of trustees to do ; and in case of the death, absence or disability of the president to discharge the several duties before mentioned, his place shall be supplied in the manner hereafter to be provided by the bye-laws of the said corporation.

Certain duty of
collector and
treasurer.

And be it further enacted, That the collector shall, within such time as shall hereafter be provided for by the bye-laws of the said cor-

poration, next after the receipt of his warrant for collecting any tax that may have been ordered to be raised, collect and pay the same to the treasurer; and that all monies which may at any time be in the hands of the treasurer, shall be liable to be drawn out by the trustees, or the major part of them, and applied and disposed of as shall have been directed by the freeholders and inhabitants of said village.

And be it further enacted, That the said trustees shall keep a just and accurate account of their necessary expences and disbursements, and on exhibiting the same to the treasurer, shall be entitled to receive the amount thereof out of any monies in the treasury; and that the treasurer, collector and assessors shall be paid for their several services such suitable compensation as the said trustees, or a majority of them, by a bye-law of the said corporation, shall provide.

And be it further enacted, That it shall not be lawful for the said corporation to purchase or hold any real estate whatsoever, not lying or being within the limits of the said corporation.

And be it further enacted, That the trustees to be elected by virtue of this act, shall continue in office, and be authorised and empowered to execute and perform all and singular the powers and duties in this act contained, belonging to their office of trustees as aforesaid, until the first Tuesday in May next following after their election of trustees as aforesaid, and until a new election for trustees of the said village shall be made pursuant to this act, and until the trustees so last chosen shall take and subscribe the oath or affirmation of the office of trustee.

A. D. 1800.

Trustees to keep
accurate ac-
counts of their
disbursements.Compensation
to the treasurer,
collector & as-
sessors.Trustees how
long to continue
in office—new
election when
to be held.

A. D. 1800.

CHAP. LV.

An ACT for the relief of John Thurman and for other purposes.

Passed 25th March, 1800.

The title of the
people of this
state to certain
lands vested in
John Thurman.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That all the right, title and interest of the people of this State to the lands herein after mentioned and described shall be and hereby is vested in John Thurman, his heirs and assigns, forever, viz. All that tract of land lying and being in the township of Thurman and county of Washington between the east and middle branches of Hudson's river, beginning at the southwesterly corner of the twenty-fourth township of Jeffups, commonly called Totten and Crossfield's purchase; thence north fifty-nine degrees east along the line of said township to the east or Scaroon branch of Hudson's river; thence down the river as it winds and turns to the northeasternmost corner of Hyde township; thence south fifty-nine degrees west along the line of Hyde township to the middle branch of Hudson's river; thence up the said river to the line where this tract first began, containing nine thousand eight hundred and fifty acres of land, be the same more or less. *Provided nevertheless*, and upon condition, That the said John Thurman shall, on or before the first day of July, one thousand eight hundred and one, pay into the Treasury of this State the sum of fourteen cents per acre for the same in lieu of all charges and incumbrances. *And provided also*, That the said John Thurman shall convey to the people respectively who are now in possession of any of the said lands and their respective heirs and assigns forever such tract or tracts as may be in their posse-

Proviso.

Furtherproviso.

A. D. 1800.

sion respectively, at the rate of two dollars and twenty-five cents per acre, payable within fifteen years from the execution of the deeds, with interest at six per cent. per annum, for the same, payable yearly; the payment of which principal and interest shall be secured by the respective possessors, their heirs or assigns, by bonds and mortgages on the premises, to be executed to the said John Thurman at the time of the delivery of the conveyances to such possessors, their heirs and assigns respectively.

And whereas the commissioners of the land-office, on the fifth day of May, in the year one thousand seven hundred and eighty-eight, did resolve, that the twelfth township, situate in Washington county, in the tract called Jessup's or Totten and Crossfield's purchase, should be granted to John Thurman, at the price of one shilling and twopence per acre. And whereas letters patent did on the same day issue to the said John Thurman accordingly, by which letters patent the quantity of acres thereby granted are mentioned to be twenty-five thousand two hundred, and the said John Thurman paid for the lands granted accordingly. And whereas it now appears that by the boundary lines, as described in the said letters patent, the quantity of land included in, and granted thereby to the said John Thurman, exceeds the quantity mentioned in the said letters patent, and paid for by the said John Thurman about nine thousand, eight hundred and sixty acres, exclusive of about seven hundred covered by a previous patent; and as it is evident that such excess was included by mistake: Therefore,

Be it further enacted, That the grant and confirmation hereby made to the said John Thurman is upon this further condition, that the

Recital stating
a certain grant
of land made by
the commissioners
of the land-
office to John
Thurman.

Which exceeds
the quantity of
land intended
to be granted.

A. D. 1800. Said John Thurman, his heirs or assigns, shall also, on or before the first day of July, one thousand eight hundred and two, pay into the Treasury of this state the sum of fourteen hundred dollars in satisfaction of the said lands so included in the said letters patent by mistake, or re-convey to the people of this state all the lands so included in the said letters patent which do not come within the lines of the said twelfth township, on or before the day last aforesaid; and in case such payment shall be made, then the said John Thurman, his heirs and assigns, shall be deemed lawfully entitled to all the lands so included in the said letters patent, by the bounds therein mentioned, not previously granted by the people of this state; and in case the said sum of fourteen hundred hundred dollars shall not be paid, nor the said conveyance to the people of this state executed on or before the day for that purpose mentioned, the whole grant and confirmation hereby intended to be made shall be utterly void, and all the said lands hereby intended to be granted and confirmed, shall be and remain to the people of this state, subject to the future disposition of the Legislature.

Bond to be given by said Thurman for said sum.

And be it further enacted, That if the said John Thurman shall at any time on or before the first day of July next, give and execute his bond to the people of the state of New-York, together with such sureties therein as the Comptroller shall approve of and be satisfied with, for the payment of the aforesaid sums at the periods aforesaid, then and in such case, all and every condition contained in this act, and predicated on the payment of money by the said John Thurman shall cease, and the title of the said John Thurman to all the said lands shall become absolute.

And whereas John Stevenson, of the city of Albany, hath respectfully represented to the Legislature, that his father, James Stevenson, late of the said city, deceased, was entitled to a grant for three thousand acres of land in the late colony, now the state of New-York, and that letters patent passed therefor, under the great seal of the said colony, on the seventh day of December, one thousand seven hundred and seventy-five. And whereas it is declared by the constitution of this state, "that all grants of lands within this state, made by the King of Great Britain, or persons acting under his authority, after the fourteenth day of October, one thousand seven hundred and seventy-five, shall be null and void ;" by reason of which article in the constitution the grant so passed as aforesaid is become null and void. And whereas the said article was apparently inserted to guard against collusive and improper grants, and not against fair claimants whose right had accrued prior to the establishment of the said constitution. And whereas it is of record in the Secretary's office of this state, that an order of Council had passed on the eleventh day of July, one thousand seven hundred and seventy-five, antecedent to the date of the said grant for passing the same : Therefore,

Be it further enacted, That it shall be lawful for the commissioners of the land-office, and they are hereby directed to cause letters patent, in the usual form, to issue to the said John Stevenson for the tract of land mentioned and described in the above recited letters patent to the said James Stevenson, deceased, if the same shall remain unappropriated, on the said John Stevenson paying for the same, to the Treasurer of this State, the sum of seven hundred and fifty dollars.

A. D. 1800.

Recital stating
the case of John
Stevenson.The commis-
sioners of the
land-office to if-
fue letters pa-
tent to the said
John Stevenson.

A. D. 1800.

CHAP. LVI.

An ACT concerning the Surveyor-General, and for other purposes.

Passed 25th March, 1800.

Preamble.

WHEREAS it is the duty of governments to aid and encourage works intended for the benefit and use of the public, and it having been represented by the Surveyor-General that the publication of the map of the State will require an advance of money, which it is doubtful whether he will be able to obtain without the assistance of the Legislature: Therefore,

The Comptrol-
ler to loan to
Simeon De Witt
3000 dollars.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the Comptroller to loan to Simeon De Witt, the Surveyor-General, for the term of three years, three thousand dollars, without interest, on such security as the said Comptroller shall deem sufficient, and shall draw his warrant on the Treasurer for the said sum in favour of the said Surveyor-General.

Recital.

And whereas, by the act, entitled "An act to carry into effect the concurrent resolutions and acts of the Legislature for granting certain lands promised to be given as bounty lands, and for other purposes therein mentioned," it is made the duty of the Secretary to charge, over and above the fees then already established, on each lot in the military tract the sum of eight shillings to be paid to the Surveyor-General, and applied to the defraying of the expence of surveying the same.

Further recital. And whereas in the townships of Galen and Sterling there remain a number of lots for which letters patent will probably never be issued pursuant to the said last recited

act, whereby the provision thereby intended ^{A. D. 1803.} to raise the money in part for the defraying of such expences will be defeated: Therefore,

Be it further enacted, That it shall be law, ^{Duty of the Comptroller.} for the Comptroller to draw his warrant on the Treasury, in favour of the Surveyor-General, for one dollar for each lot remaining un-patented in the townships of Galen and Sterling, and it shall be the duty of the ^{And of the Secretary.} Secretary thereafter to pay the monies he shall charge and collect on each patent to be issued as aforesaid into the Treasury.

And be it further enacted, That the Treasurer of this State shall pay to the Surveyor-General, on the warrant of the Comptroller, a sum not exceeding five hundred dollars, to enable him to run and mark the boundary lines between the counties of Saratoga and Montgomery, between Montgomery and Herkimer, and so much of the bounds of the county of Schoharie as have not been run and marked agreeable to the laws describing the same, for which sum the said Surveyor-General shall account with the Comptroller.

And be it further enacted, That the Surveyor-General shall be, and he is hereby empowered to demand from any supervisor of any town in this State a survey of so much of the bounds of such town as he cannot otherwise obtain. And it is hereby made the duty of such supervisor thereupon to cause such survey to be made, and within sixty days after such demand to deliver a map and description of such bounds to the Surveyor-General, the costs and charges of which shall be defrayed by the towns respectively to which such bounds belong in the manner in which other contingent charges of towns are defrayed and paid.

A. D. 1800.

Penalty on supervisors refusing or neglecting to comply — said penalty how to be recovered and applied.

And be it further enacted, That in case of the refusal or neglect of any supervisor to perform the duties enjoined on him as aforesaid, he shall forfeit and pay the sum of fifty dollars, to be recovered by the assistant attorney general of the district in which such supervisor shall reside, in an action of debt in any court of record in this State having cognizance thereof. And it is hereby made the duty of the said assistant attorney general to prosecute any delinquent or delinquents in the premises, and the monies so recovered shall be delivered to the Surveyor-General, and by him be applied to the making of a map of such town or towns being delinquent as aforesaid.

CHAP. LVII.

An ACT to authorise the Sheriff of the County of Cayuga to occupy a Building near the Bridge over the Cayuga Lake, as and for the Gaol of said County.

Passed 25th March, 1800.

Recital stating the representation of sheriff Annin.

WHEREAS Joseph Annin, sheriff of the county of Cayuga, hath, by his petition, represented that great inconvenience arises and much expence is incurred by the transportation of prisoners from said county to the county of Ontario, and that a building hath been lately erected at the village of Cayuga, of size and dimensions sufficient to accommodate all prisoners of the said county with convenience and strength to afford the most complete security for their safe keeping, and that the proprietors of said building have offered him the use thereof for the purpose of a gaol for the said county, without any charge or ex-

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pence, and hath prayed that the said building A. D. 1809.
may by law be established as the gaol for said
county: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That until further Legislative provision be made in the premises, the log-house erected by the Cayuga Bridge Company, at or near the easterly end of said bridge, on the margin of the Cayuga lake, shall be considered as the common gaol of said county of Cayuga; and it shall be lawful for the said sheriff to remove from the gaol of the county of Ontario, or any other place, to said house hereby declared to be the gaol of the county of Cayuga, all prisoners committed to his custody.

A certain house
to be considered
as the common
gaol of the coun-
ty of Cayuga.

And be it further enacted, That the judges and assistant justices of the said county of Cayuga shall, at the next court of common pleas to be held in said county, assign such tract of land, not exceeding three acres, adjoining said log house, as they may think proper, as and for the gaol limits, agreeable to the act in such case made and provided; and until such assignment shall be made, it shall and may be lawful for the said Joseph Annin to suffer the persons in his custody, and who now have the benefit of the gaol limits, to remain and continue within those at present established in said county of Cayuga.

The limits there
of to be assigned.

CHAP. LVIII.

An ACT to continue in force the act entitled "An act supplementary to the act entitled "an act for the regulation of Pilots and Pilotage for the Port of New-York, and for other purposes therein mentioned.

Passed 25th March, 1800.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly,

A. D. 1800. That the act entitled "An act supplementary to the act entitled "an act for the regulation of pilots and pilotage for the port of New-York, and for other purposes therein mentioned," passed March sixteenth, one thousand seven hundred and ninety-eight, shall be, and the same hereby is revived and continued in force until the first day of March, one thousand eight hundred and two.

CHAP. LIX.

An ACT to erect part of the Counties of Ulster and Albany into a separate County.

Passed 25th March, 1800.

Part of Albany and Ulster erected into a distinct county by the name of Green.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That all those parts of the counties of Albany and Ulster, beginning at Hudson's river, on the line between the towns of Kingston and Cattskill, running along the south-east bounds of the town of Cattskill to the north-west corner of the town of Kingston; thence along the town of Kingston opposite to the south-east corner of the town of Windham; thence to the said south-east corner of the said town of Windham; thence along the southerly bounds thereof to the southwest corner thereof adjoining the county of Delaware; thence along the division line between the town and county aforesaid to the northwest corner of said town and to the southerly boundary of the town of Freehold; thence westerly to the most westerly extremity of the said town of Freehold; thence easterly along the northerly bounds of said town of Freehold and Coxackie to the northeast corner thereof; thence to the middle of Hudson's river aforesaid; thence down the middle of said river to the

intersection of a line drawn from the place of beginning easterly on the course of the line first mentioned, and thence to the place of beginning, shall be and hereby is erected into a distinct county by the name of Green.

A. D. 1803

And be it further enacted, That there shall be a court of common pleas and a court of general sessions of the peace in the said county of Green, and that there shall be three terms of the said courts, the first of which courts shall commence on the first Tuesday in May next, the second on the third Tuesday in September next, and the third on the last Tuesday in January in the year one thousand eight hundred and one. And that there shall be two terms of the said courts of general sessions of the peace, the first of which courts shall commence on the said first Tuesday in May next, and the second of the said courts shall commence on the third Tuesday in September next, and so annually on the said Tuesday in each of said months. Each of which said courts shall continue until the Saturday following, unless previously adjourned. Both of which courts shall have and exercise the like power and authority within the said county as the like courts have and exercise in the respective counties in this State.

Provided, That nothing in this act contained shall injure or affect any proceedings, civil or criminal, already commenced or to be commenced before the first day of June next, or in any wise to affect the same. But all such civil and criminal proceedings shall and may be prosecuted to final judgment and execution as if this act had not been passed.

Proviso.

And be it further enacted, That until further legislative provision be made in the premises the said courts of common pleas and general sessions of the peace in the said coun-

Courts, where
to be held.

A. D. 1800. ty shall be held at the Academy, in the town of Cattskill, and at the dwelling-house of John R. Vandenburg, in the town of Coxsackie, in said county alternately.

Rights and privileges of the freeholders and inhabitants.

And be it further enacted, That the freeholders and inhabitants of said county shall have and enjoy all the rights, privileges and powers which the freeholders and inhabitants of other counties in this State legally have and enjoy.

Prisoners to be confined for the present in the gaol of Columbia.

And be it further enacted, That it shall and may be lawful for all courts and officers of said county of Green, in all cases, civil and criminal, to confine their prisoners in the gaol of the county of Columbia until a gaol shall be erected in said county of Green.

Justices of supreme court not to hold annually a circuit court unless expedient.

And be it further enacted, That it shall not be the duty of the justices of the supreme court, once in every year, to hold a circuit in the said county of Green, unless in their judgment they shall deem it proper and necessary, any law to the contrary notwithstanding.

To be part of the middle district.

And be it further enacted, That the said county of Green shall be a part of the middle district of this State.

Number of representatives for Albany, Green and Ulster.

And be it further enacted, That from and after the passing of this act, it shall and may be lawful for the county of Albany to elect eight, the said county of Green two, and the county of Ulster four members of Assembly, and no more, any law to the contrary thereof notwithstanding.

Part of Woodstock attached to Cattskill.

And be it further enacted, That all that part of Woodstock included in the said county of Green, shall be, and is hereby declared to be a part of the town of Cattskill.

Cases arising from deficiencies on loans—how to be borne and paid, &c.

And be it further enacted, That all losses which may arise from deficiencies on loans by the loan officers made on lands mortgaged, and which are situate within the said county of

A. D. 1800.

Green, shall be borne and paid in manner following, that is to say, such deficiency as shall arise from lands mortgaged, while part of the county of Albany shall be borne by the inhabitants residing in that part of the county of Green, taken from the county of Albany, and the like rule shall prevail as to any deficiency which may in like manner arise in the county of Ulster; and for that purpose the loan officers of said counties shall respectively certify the amount of such deficiencies to the supervisors of the said county of Green, who shall thereupon assess, levy and collect the same upon the principles aforesaid, and pay the same to the loan officers of said counties respectively in which such deficiencies shall arise.

And be it further enacted, That the said county of Green shall be annexed to and become part of the district now composed of the counties of Columbia and Rensselaer, as it respects all proceedings under the act, entitled "An act making provision for the more due and convenient conducting public prosecutions at the courts of oyer and terminer and gaol delivery and general sessions of the peace."

Green annexed
to the district
of Columbia &
Rensselaer for
the purpose
herein men-
tioned.

CHAP. LX.

An ACT for the relief of the Creditors of persons imprisoned in the State-prison otherwise than for life, for altering the punishment for certain offences, for more effectually providing against escapes from the said Prison, and for other purposes respecting the same.

Passed 25 March, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly,

A. D. 1800. That every person who now is, or hereafter shall be imprisoned in the State prison, other than persons adjudged to imprisonment for life, for offences committed after the twenty-ninth day of March, one thousand seven hundred and ninety-nine, shall be deemed to be an absconding debtor within the intent of the act for relief against absconding and absent debtors, passed the 4th of April, 1786; and that trustees may immediately on the application of a creditor be appointed without any proof of concealment or warrant issued or notice printed in the public newspapers as with respect to these several matters is required by the said act, or without any regard to the amount of the sum in which any such person may be indebted. And that it shall be lawful for the trustees to apply and expend such sum out of any surplus which may be remaining in their hands, after paying all the debts of the prisoner which shall come to their knowledge for the maintenance of the wife and children, and education of the children of such person as the chancellor or a judge of the supreme court or the judge of a county court, or mayor or recorder of a city, shall from time to time allow.

*When lawfully
liberated to
have their re-
maining pro-
perty delivered
up.*

And be it further enacted, That whenever any person against whom such proceedings as aforesaid shall be had, shall be lawfully liberated from the said prison, it shall be lawful for the said trustees, and they are hereby required to deliver up to him or her all and singular the estate real and personal of such person which may then remain in their hands after retaining a sufficient sum to satisfy all the lawful charges and expences which they may have incurred in the execution of their trust.

And be it further enacted, That where any person so proceeded against hath been or shall

be imprisoned for life for an offence committed previous to the said twenty-ninth day of March, it shall be lawful for the said trustees, and they are hereby required, after the payment of all debts due by such person, and retaining a sufficient sum to satisfy all lawful charges and expences as aforesaid, to convey and deliver the residue of the estate real and personal of such person to such person or persons as shall be legally entitled to the same.

A. D. 1800.
Proceedings in
respect to per-
sons imprisonea
for life.

And be it further enacted, That if any person imprisoned in the said prison otherwise than for life, shall attempt to escape, or shall aid any other person imprisoned in the said prison to escape or attempt to escape from the same, he or she shall be deemed guilty of a misdemeanor, and shall on conviction be adjudged to be imprisoned in the said prison for such further term not for life after the determination of the term for which such person had at the time when the said misdemeanor was committed been adjudged to be imprisoned as the court shall in their discretion deem proper, and the court before whom a person may be indicted for the misdemeanor aforesaid, may from time to time by order of the court to be directed to the inspectors of the said prison, order the defendant in such indictment and every other person imprisoned in the said prison (being a competent witness) to be brought before them, and also to assign counsel to the defendant, which counsel shall at all convenient times be admitted to converse in private with such defendant in the said prison.

Persons impris-
oned in the
said prison at-
tempting to es-
cape or to aid
an escape how
to be dealt with.

And be it further enacted, That if any person shall, after the passing of this act, in any manner howsoever aid or assist any person confined in the said prison to escape or attempt to escape from the same, he, she or

Persons aiding
escapes how to
be dealt with.

A. D. 1800. they shall be deemed guilty of a misdemeanour, and shall on conviction thereof in due form of law be adjudged to be imprisoned in the said prison at hard labour for such term of time, as the court in which such conviction may be had shall, in their discretion, deem proper not exceeding ten years.

And whereas, upon settling the accounts of Recital, stating the inspectors of the State-prison, for the support of the prisoners to the first day of January, one thousand seven hundred and ninety-nine, by the late Comptroller, he certified that the sum of two thousand seven hundred and sixty-nine dollars and thirty-one cents remained in their hands to be accounted for out of the sum received by them for the purpose aforesaid. And whereas the said inspectors have received out of the Treasury in the course of the last year the further sum of ten thousand dollars for the support of the prisoners, and other charges mentioned in the third section of the "An act concerning the State-prison," passed the fifteenth day of February, one thousand seven hundred and ninety-nine, and it is suggested by them that their expenditures for the purposes aforesaid, and in the last year, have exceeded the appropriations for the same purposes by three thousand seven hundred and thirty-nine dollars and sixty-two cents: Therefore,

Balance due the
inspectors to be
paid.

Be it further enacted, That it shall be lawful for the Treasurer, on the warrant of the Comptroller, to pay to the said inspectors such balance as shall be found and certified by the Comptroller to be due to them on account of their said expenditures beyond the said several sums above mentioned.

A further sum
of 8000 dollars
to be paid said
inspectors.

And be it further enacted, That it shall be lawful for the said Treasurer, on the warrant of the Comptroller, to pay to the said in-

A. D. 1800.

spectors the further sum of eight thousand dollars to be used by them as a capital stock for the purpose of purchasing tools and raw materials for the manufactures that may be carried on in the said prison.

And be it further enacted, That the said inspectors are hereby authorized and directed to pay out of the monies arising on the sales of articles manufactured in the said prison, such sums as may be requisite from time to time for the support of the prisoners and the expences of conveying them to the said prison and other necessary expences not specially provided for.

And be it further enacted, That the deputy-keeper of the said prison shall hereafter be allowed at and after the rate of four hundred dollars per year as a compensation for his services, to be paid in the same manner as the assistant-keepers are, by an act concerning the State-prison, directed to be paid. And also, that in addition to the salary already paid him during the last year, it shall be lawful for the Treasurer, on the warrant of the Comptroller, to pay him a further sum of one hundred and fifty dollars.

And whereas it is necessary to the safety of the prison that there should be no intercourse or communication between the prisoners confined in the said prison and persons not belonging to, or permitted by law, to visit the said prison without the knowledge and consent of the inspectors of the said prison, or one of them: Therefore,

Be it further enacted, That it shall be deemed an offence against the people of this State for any assistant-keeper of the said prison, or any servant, labourer or workman employed in or about the said prison, or for any other person to convey out of or bring into the

*Certain ex-
pences to be
paid by said in-
spectors.*

*Allowance to
the deputy-
keeper.*

*Recital respect-
ing communi-
cation with the
prisoners.*

*Such communi-
cation & restric-
tion.*

A. D. 1800. said prison, by request, desire or procurement of any prisoner confined in the said prison, or by any other person, any letter or writing whatsoever, without leave of the inspectors, or some or one of them so to do. And that it shall also be deemed an offence against the people of this State for any assistant-keeper, or any servant, labourer or workman employed about the said prison, or for any other person not permitted by law, *ex officio*, to visit the said prison without such leave as last aforesaid, to make any verbal or parol communication between any person confined in the said prison and any person not a prisoner in the said prison and not belonging thereto and not having a right, *ex officio*, to visit the same.

Comptroller to allow a charge for watching said prison.

And be it further enacted, That the Comptroller shall be and he is hereby authorised to allow and admit a charge made by the said inspectors for monies paid and expended by them for watching the State-prison in the year one thousand seven hundred and ninety-eight, provided the same shall not exceed the sum of seven hundred and fifty-seven dollars and sixty-two cents.

Persons convicted of perjury or subornation of perjury, or aiding escapes, how to be punished.

And be it further enacted, That any person who shall hereafter be duly convicted of the crime of perjury or subornation of perjury, or of aiding or assisting any prisoner, lawfully committed to or detained in any gaol for any felony whatsoever, in escaping or attempting his or her escape from such gaol, though no escape be made, or of conveying any disguise, instrument or arms into any gaol to and for the use of any such prisoner so committed or detained as aforesaid, with intention to facilitate his or her escape, though no escape be made or attempted to be made, shall instead of that part of the pu-

nishment which is now annexed to those crimes, be punished with imprisonment and hard labour in the State-prison. And the court or judge, before whom such conviction shall be had, shall, upon consideration of all the circumstances of the case, order, award and adjudge such person so convicted, to imprisonment in the State-prison, at hard labour, for any term not exceeding ten years according to the nature and aggravation of the offence.

CHAP. LXI.

An ACT in addition to an act, entitled "An act concerning Conveyances by British subjects."

Passed 25th March, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, Proofs and acknowledgments how to be taken That all proofs and acknowledgments of deeds and conveyances made by any British subject actually residing in the kingdom of Great-Britain, or the dominions thereunto belonging, to any citizen or citizens of this State of any lands, tenements or hereditaments situated in this State, or any power of attorney relating to the sale or disposition of the same taken before, or made, or acknowledged, or hereafter to be taken, made or acknowledged before the minister of the United States resident in Great-Britain, for the time being, shall be of the like validity, force and effect as if the same was or had been taken or made before a judge of the supreme court of this State.

A. D. 1800.

CHAP. LXII.

An ACT for the Relief of Mary Sturges.
Passed 25th of March, 1800.

Preamble, re-
citing the peti-
tion of Mary
Sturges.

WHEREAS Mary Sturges hath, by her petition to the Legislature, represented that she has been possessed of a farm in the town of Franklin, in the county of Dutchess, purchased by Samuel Delavan, on the nineteenth day of April, one thousand seven hundred and eighty-one, of the commissioners of forfeitures for the middle district, for the consideration of two hundred and sixty-nine pounds, ten shillings. And that Daniel Babbit hath lately evicted the said Mary Sturges by due course of law, and that the said Mary Sturges hath received no manner of compensation for valuable improvements made on the said farm by her. And the said representation having been satisfactorily proved: Therefore,

Attorney General, Comptroller and Surveyor-General to extinguish the claim of Daniel Babbit.

Proviso.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the Attorney-General, the Comptroller and the Surveyor-General, or any two of them, and they are hereby directed to extinguish the right and claim of the said Daniel Babbit, of, in and to the said farm of land, and of in and to all demands for mesne profits thereon, upon the best terms that can be obtained. Provided, That the sum of money to be given to the said Daniel Babbit shall not exceed the said sum of two hundred and sixty-nine pounds, ten shillings, with interest at the rate of six per cent. per annum from the nineteenth day of April, one thousand seven hundred and eighty-one, which extinguishment shall enure to the benefit of such persons as are legally entitled to the said farm, under the said conveyance, to

the said Samuel Delavan. And the Treasurer is hereby directed to pay, on the warrant of the Comptroller, out of any monies in the Treasury not otherwise appropriated, such sum as shall be agreed to be given to the said Daniel Babbit for the extinguishment of his claim and title.

And be it further enacted, That the Treasurer is hereby authorised and directed, on the warrant of the Comptroller, to pay to the said Mary Sturges such sum of money, for the costs, charges and injuries incurred by her in the defence of the said suit, as the Attorney-General shall certify to be reasonable and just under the circumstances of the case.

And be it further enacted, That in case the said settlement cannot be effected with the said Daniel Babbit, then it shall be lawful for the Treasurer, and he is hereby required to pay to such persons as are legally entitled to the said farm, under the conveyance to the said Samuel Delavan, the said sum of two hundred and sixty-nine pounds, ten shillings, with the interest at six per cent. per annum, from the nineteenth day of April, one thousand seven hundred and eighty-one. And the Attorney-General, the Comptroller and the Treasurer are hereby authorized to ascertain and determine who are legally entitled to the said farm under the said conveyance.

A. D. 1800.
Treasurer to
pay such sum as
shall be agreed
to be given said
Babbit.

To pay to Mary
Sturges such
sum as the At-
torney-General
shall certify to
be due for costs,
&c. incurred by
her.

And if a settle-
ment cannot be
effected with
the said Babbit,
to pay to the
persons entitled
to the farm
herein mention-
ed, 269l. 10s.
with interest.

Attorney-Gen-
eral, Comptrol-
ler and Treasur-
er to ascertain
who are entitled
to said farm.

CHAP. LXIII.

An ACT to direct the distribution of the Money appropriated by law for the Encouragement of Schools in the Counties of Orange and Rockland.

Passed 25th March, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly,

A. D. 1800.

Treasurer to pay
John Suffern
certain sums of
money.

That the Treasurer of this State, on the warrant of the Comptroller, shall pay unto John Suffern, who was treasurer of the county of Orange at the time the county of Rockland was erected out of part of the said county of Orange, the sums of money due to the said county of Orange in and by the act, entitled "An act for the encouragement of schools," passed the ninth day of April, one thousand seven hundred and ninety-five.

Said Suffern to
distribute the
same among the
towns in Orange
and Rockland.

And be it further enacted, That it shall be the duty of the said John Suffern, and he is hereby required immediately on the receipt of the said monies, to distribute the same among the respective towns of the counties of Orange and Rockland, in the same proportions and in like manner as he ought to have done in and by the said act, had not the division of the said county of Orange taken effect. And that the said John Suffern shall account to the respective boards of supervisors of the said counties of Orange and Rockland at their next annual meeting the manner in which he has distributed the said monies.

CHAP. LXIV.

An ACT complying with the act of Congress respecting Balances reported against certain States by the Commissioners appointed to settle the accounts between the United States and the several States.

Passed 28th March, 1800.

A sum of money
to be expended
by this State in
fortifications
under certain
conditions.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That this state doth hereby engage to expend, within five years after the passing of this act, in erecting, enlarging and compleating forti-

A. D. 1800.

fications within this state, for the defence of the United States, at such place or places, (the jurisdiction whereof shall be previously to such expenditure ceded by this state to the United States, with reservation, that process civil and *criminal*, issuing under the authority of this state, may be served and executed therein) and according to such plan or plans as shall be approved by the President of the United States, a sum of money which, with the sums already expended by this state since the establishment of the present government of the United States, in fortifying any place within this state, and for which this state may be credited as herein after mentioned, shall be equal to the sum assumed by the United States in the debt of this state, upon the principles mentioned and contained in the act of Congress, entitled "An act respecting balances reported against certain states by the commissioners appointed to settle the accounts between the United States and the several states."

And be it further enacted, That it shall be lawful for the Comptroller of this state, and he is hereby authorised and required to liquidate and settle with the Secretary of the Treasury of the United States the sum for which this state is to be credited, according to the directions of the said act of Congress, for money expended in fortifying any place in this state, including the cannon and military stores belonging to this state, now in or appertaining to such fortifications, and to procure credit to be given to this state on the books of the United States for the same, as well as for the sum hereby engaged to be expended in erecting, enlarging and completing fortifications for the defence of the United States, and also to settle with the Secretary of the Treasury of the United States the rate at which credits shall

Comptroller to make a certain liquidation and settlement with the Secretary of the Treasury of the United States.

A. D. 1809. be given for the money which shall be expended by virtue of this act.

40,000 dols. appropriated for the purpose aforesaid for the present year.

And be it further enacted, That the sum of twenty thousand dollars shall be, and hereby is appropriated for the purpose aforesaid in the present year, which sum shall be paid out of any unappropriated money that may be in the Treasury, and shall be expended in erecting, enlarging and compleating fortifications in this state, for the defence of the United States, according to the directions of the said act of Congress; and the person administering the government of this state shall be, and hereby is required to procure the necessary plans and directions for the purposes aforesaid, and to appoint and employ such agent or agents as he may deem proper, to superintend the work, and to purchase the requisite materials, which agents shall be respectively accountable to the United States, if required, as well as to this state, for the expenditure of all money to be received by them.

Comptroller to make a further liquidation and settlement with the Secretary of the Treasury of the United States.

Proviso.

And be it further enacted, That the Comptroller is hereby authorised and required to liquidate and settle with the Secretary of the Treasury of the United States the sum of money expended by this state in recently erecting fortifications in the city of New-York, and for the fortifications on the northern and western frontiers of this state, including the cannon and military stores now in, or appertaining to such fortifications, and to procure credit to be given to this state on the books of the United States for the same, provided any law for that purpose shall be passed by the Congress of the United States.

A further sum to be expended.

And be it further enacted, That if it shall be deemed necessary to expend, under the directions of the President of the United States, the whole or any part of the sum by this act en-

A. D. 1800.

Praeviso.

gaged to be expended, in erecting, enlarging or compleating fortifications on York Island, or in any other place in this state, it shall be lawful so to do, provided the Congress of the United States shall dispense with the cession of the jurisdiction of the place or places so to be fortified.

CHAP. LXV.

An ACT authorizing a further sum of money to be raised for repairing the Court-House in the County of Herkimer, and for other purposes.

Passed 28th March, 1800.

WHHEREAS the supervisors of the county of Herkimer have, by their petition, requested a law to authorize them to raise the further sum of one hundred and sixty dollars, for the purpose of repairing the court-house in said county: Therefore,

Preamble.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the supervisors of the county of Herkimer be, and they are hereby required to levy and raise, on the freeholders and inhabitants of the said county, the sum of one hundred and sixty dollars, together with the collectors and treasurers fees thereon; which sum shall be raised, levied and collected in like manner as the other necessary and contingent charges of the said county are by law levied and collected.

Supervisors of
Herkimer to
raise 160 dol-
lars.

And be it further enacted, That the said sum of one hundred and sixty dollars shall be collected and paid into the treasury of said county on or before the first Monday in November next; and the treasurer of said county is hereby required to pay the said money to the order of the commissioners appointed to repair the said court-house, retaining in his hands

To be paid to
the county trea-
surer.

A. D. 1800.

one cent on the dollar for receiving and paying the same.

Commissioners
to account with
the supervisors.

And be it further enacted, That the said commissioners shall account with the supervisors of the said county for the money so by them to be received and expended for the purpose aforesaid, when thereunto required.

Supervisors of
Oneida and
Chenango to al-
low a part of
Chauncey
Woodruff's ac-
count.

And be it further enacted, That the boards of supervisors of the counties of Oneida and Chenango are hereby respectively directed and required to audit and allow an equal fourth part of the account of Chauncey Woodruff, sheriff of the county of Herkimer, for such charges and expenditures as he may have incurred in repairs done to the gaol of the said county of Herkimer, and also in maintaining a guard to secure the safe custody of the criminals confined therein ; and the said board

Supervisors of
Oneida to audit
Joseph Meyer's
account.

of supervisors of the county of Oneida are also directed and required to audit the account of Joseph Meyers for maintaining and boarding Major Watson, and to allow therefor such sum as the said Joseph Meyers ought to have and is usual in such cases, and also to audit the account of the said sheriff of the county of Oneida for his charges in apprehending the said Major Watson, which several sums the

Said sums how
to be levied,
collected and
paid.

said boards of supervisors are further directed and required to cause to be assessed, levied and collected in their respective counties, and paid to the said Chauncey Woodruff, Joseph Meyers, and the said sheriff of the county of Oneida.

Certain expen-
ces of the gaol of
Herkimer how
to be audited
and settled.

And be it further enacted, That hereafter, and as long as the gaol of the county of Herkimer shall continue to be the gaol of any other county, the boards of supervisors of the several counties who use the said gaol shall audit and allow an equal part of all accounts for necessary expences in guarding the prisoners therein ; and the said boards of supervisors

shall respectively audit and allow the accounts of the gaoler of the said gaol for maintaining such prisoners as may be committed by any justice of the peace of the said respective counties.

A. D. 1800.

And be it further enacted, That a non-compliance with the true intent and meaning of this act by any of the said boards of supervisors, shall be deemed and adjudged a misdemeanor in the individual supervisors refusing or neglecting a compliance therewith, and shall be punishable by fine or imprisonment, in the discretion of the court or justices before whom any such conviction's shall be had.

A non-compliance on the part of any of the boards of supervisors how punishable.

And be it further enacted, That it shall and may be lawful to and for the supervisors of the county of Oneida, and they are hereby required to cause to be levied and collected in like manner as the contingent charges of the county are by law directed to be levied and collected, the sum of one hundred and forty-six dollars and ninety-nine cents, being the amount of an execution of Henry Eake against one Samuel Hinckley, which the sheriff of the said county of Oneida has become liable to pay in consequence of the escape of the said Samuel Hinckley, by reason of the insufficiency of the gaol of the county of Herkimer in which the said Samuel was by law confined, together with the costs of a suit commenced against the said sheriff, in the supreme court of judicature, for and on account of the said escape; and the said supervisors, upon such collection, shall take order for the payment of the amount thereof to Elizur Moseley, Esquire, sheriff of the said county of Oneida.

Supervisors of Oneida to raise and pay Elizur Moseley 146 dollars & 99 cents, with costs of a certain suit.

A. D. 1800.

CHAP. LXVI.

An ACT to empower James Galloway to erect a Dam across Mud-Creek, in the County of Ontario, heretofore declared a public highway.

Passed 28th March, 1800.

Preamble.

James Galloway
may erect a
dam across
Mud-creek on
certain condi-
tions.

WHEREAS it appearing necessary for the convenience of the inhabitants living on the Mud-Creek, in the county of Ontario, that a mill should be erected on said creek, in the township number twelve, in the second range of townships: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That for the purpose before mentioned it shall be lawful for James Galloway, of the town of Palmyra, in the county of Ontario, to erect a dam across the said creek, within the bounds of the township number twelve, in the second range of townships, for the purpose of supplying a mill with water; but that the navigation of the said creek be not impeded by the dam hereby allowed to be erected, it shall be the duty of the said James Galloway, his heirs and assigns, to make, or cause to be made, on said dam so allowed, a sufficient lock or canal to permit the passing of boats or rafts, not less than twelve feet in width, and which all persons shall have the liberty of passing at all times, free of expence; and it shall also be the duty of the said James Galloway, his heirs and assigns, to keep the said lock or canal in good repair as long as the said dam is continued across the said creek.

Liable to a fine
in case of de-
tention of boats
or rafts.

And be it further enacted, That if the said James Galloway, his heirs or assigns, shall unreasonably delay or hinder any person or persons with rafts or boats, from passing said lock or canal, he or they shall, for every such offence, forfeit and pay the sum of two dollars

for every hour's detention, to be recovered with costs, before any justice of the peace of the county of Ontario, for the sole use of the person so unreasonably delayed.

A. D. 1800.

CHAP. LXVII.

An ACT to amend an act entitled "An act to divide the County of Clinton, and for other purposes.

Passed 28th March, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the treasurer of the county of Clinton shall, out of the first monies which may come into his hands, pay to the order of the commissioners of schools in any town now included in the county of Essex, all monies which such town may be entitled to, in the same manner as if the said county of Clinton had not been divided, agreeable to the intention of the act for the encouragement of schools, passed the ninth day of April, one thousand seven hundred and ninety-five.

Treasurer of Clinton to pay certain monies to the commissioners of schools in certain towns in Essex.

And be it further enacted, That all losses which may arise from deficiencies on loans by the loan-officers of the county of Clinton, made on lands mortgaged, and which are situated in the county of Essex, shall be paid in manner following, that is to say, such deficiency as shall arise from lands mortgaged while part of the county of Clinton shall be borne by the inhabitants in that part of the county of Essex taken from the county of Clinton, and the like rule shall prevail as to any deficiency which may arise on loans made on lands mortgaged in the present county of Clinton, by the loan-officers of the said county, and for

A. D. 1800.

that purpose the said loan-officers shall certify the amount of such deficiencies to the supervisors of the county in which such deficiency shall arise, who shall thereupon assess, levy and collect the same upon the principles aforesaid, and pay the same over to the loan-officers of the said county of Clinton; and the future meetings of the loan-officers of the county of Clinton for the discharge of the duties enjoined by the act entitled "An act for loaning monies belonging to this state," shall be at the court-house in the town of Plattsburgh; and it shall be the duty of the supervisors of the said counties of Clinton and Essex respectively, at their annual meeting on the last Tuesday of May in every year, to nominate and appoint a committee of three of their board in each county, who shall, in conjunction with one judge of the court of common pleas from each of the same counties respectively, meet together at the court-house in Plattsburgh, on the first Tuesday of October in every year, and they, or a majority of them, shall then and there do and perform the duties enjoined on the judges and supervisors of the former county of Clinton, by the twentieth section of the said last recited act.

And be it further enacted, That the monies levied in that part of Clinton county which now constitutes Essex county (by order of the late superintendants of highways for the county of Clinton) to be appropriated to the use of the respective towns now comprised in Essex county, which remained undisposed of on the first day of March, one thousand seven hundred and ninety-nine, the amount of which being first certified by the late superintendants aforesaid, shall be paid by the treasurer of the county of Clinton to the order of the present superintendants of highways of the

Certain duties
of the supervi-
sors of Clinton
and Essex.

Certain monies
levied in a part
of Clinton, now
Essex, how to
be appropriated.

A. D. 1800.

Proviso.

county of Essex, or of a majority of them, out of any monies which may come into his hands. *Provided nevertheless,* That such sums of money as yet remain uncollected by order of the treasurer of the county of Clinton, and due from the towns now comprised in Essex county, shall be credited in the estimate aforesaid, and shall be paid to the treasurer of the county of Essex, who is hereby authorised to issue his warrant for the collection thereof as in other cases authorised by law.

And be it further enacted, That until other provision is made by law, the freeholders and inhabitants of the county of Essex shall give their votes for one member of the Assembly in the same manner as if the act, entitled "An act to divide the county of Clinton," had not been passed. And the inspectors, after closing the poll holden on the last day of any such election, shall proceed agreeable to the directions of the act, entitled "An act for regulating elections," passed the twenty-seventh day of March, one thousand seven hundred and ninety-nine, and the statements or certificates taken in the county of Essex shall be delivered by the clerk of the said county or his deputy to the clerk of the county of Clinton, and the same, together with the statements or certificates taken in the county of Essex at any such election, shall be canvassed by the clerk of the county of Clinton, who shall (without delay, after the day appointed for delivering to him such certificates as aforesaid shall have elapsed) calculate and ascertain the aggregate amount or whole number of votes given for the respective candidates or persons voted for as members of the Assembly at any such election, and shall thereupon determine (conformable

Election for
one member of
Assembly for
Clinton and Es-
sex how to be
conducted.

A. D. 1800.

to such statements or certificates delivered to him as aforesaid) upon the person duly elected by the greatest number of votes as member of Assembly for such counties, and shall, after entering such determination of record, cause to be delivered to the person so elected as member of Assembly as aforesaid, a brief certificate of such election; and the clerk of the county of Clinton shall be allowed twenty-five cents per mile for transporting such statements or certificates as aforesaid, which money shall be allowed by the supervisors, and paid as other contingent charges of Clinton county are paid and satisfied.

Provision may be made by the several towns in Clinton and Essex for destroying noxious weeds.

And be it further enacted, That it shall and may be lawful for the freeholders and inhabitants of the several towns in the counties of Essex and Clinton, at their respective annual town meetings, or at any other town meeting held for that purpose, to make provision for destroying noxious weeds on the lands, and at the exclusive expence of those who shall be actually resident in the said towns respectively.

The blockhouse in Clinton county to be deemed the gaol thereof.

The sheriff of Clinton may use the gaol of Washington.

And be it further enacted, That the blockhouse in the county of Clinton shall, when compleated, be deemed to be the gaol of the said county until another sufficient gaol shall be erected in and for the same; and until other sufficient provision can be made in the premises, it shall also be lawful to and for the sheriff of the said county of Clinton, at his discretion, to commit any of his prisoners to the gaol of the county of Washington, there to be detained until they shall be thence legally discharged.

The act and section of an act herein recited repealed.

And be it further enacted, That the act passed the third day of March, one thousand seven hundred and eighty-nine, directing the sheriff of the county of Clinton to confine his pri-

soners in the gaol of the county of Albany, and also the seventh section of the act entitled "An act to divide the county of Clinton," be, and the same is hereby repealed.

As D. 1800.

And be it further enacted, That the treasurer of this state is hereby authorized and directed to pay to the treasurer of the county of Delaware a proportion of the monies appropriated for the encouragement of schools by an act passed the third day of April, one thousand seven hundred and ninety-nine, entitled "An act to raise a sum of money for the use of the state by tax, and for the further support of government," which proportion shall be ascertained in the manner directed by the last section of an act entitled "An act for raising a sum of money for building a court-house and gaol in the county of Delaware, and for other purposes therein mentioned," passed the fourth day of April, one thousand seven hundred and ninety-eight.

The treasurer to pay certain monies to the treasurer of Delaware county.

And be it further enacted, That the supervisors of the county of Delaware, at their next annual meeting, shall apportion the monies so to be paid to the said county treasurer, among the several towns, agreeable to the mode prescribed in and by an act entitled "An act for the encouragement of schools," passed the ninth day of April, one thousand seven hundred and ninety-five, which apportionment, when made, shall be notified to the several towns by the clerk of the board of supervisors without delay, by filing a copy of such apportionment in the clerk's office of each town in said county.

Supervisors of Delaware to apportion such monies among the several towns.

And be it further enacted, That the clerks of the several towns, on receiving such apportionment, shall forthwith cause notice thereof to be given to the people by advertisement to be put up in at least three of the most public

Duty of the clerks of the several towns on receiving such apportionment.

A. D. 1800.

places in said town, which advertisement shall also point out a time, not less than ten nor more than fifteen days thereafter, for the free-holders and inhabitants of such town to meet at the usual place of holding town meeting, for the purpose of choosing three commissioners to receive the monies belonging to said town from the treasurer of the county, which commissioners, when chosen, shall be and hereby are authorized to receive from said treasurer the proportion of monies belonging to such town; and it is hereby made the duty of said commissioners to pay out said monies agreeable to the directions contained in the above recited act, passed the ninth day of April, one thousand seven hundred and ninety-five, to the trustees of the several schools in their respective towns, to be by them distributed among the several inhabitants entitled to the same by virtue of the last recited act.

Treasurers of
the counties of
Albany and Ul-
ster to distribute
certain monies
among the in-
habitants of the
county of Green.

And be it further enacted, That it shall and may be lawful for the treasurer of the county of Albany to distribute among the inhabitants of the county of Green, formerly belonging to the county of Albany, such proportion of the monies appropriated for the encouragement of schools, as they would have been entitled to receive if they had remained a part of the said county of Albany; and further, that the same rule shall be observed by the treasurer of the county of Ulster with respect to the inhabitants of those parts of the county of Green and Orange which formerly belonged to the said county of Ulster.

Green annexed
to a district for
electing a re-
presentative in
Congress.

And be it further enacted, That the said county of Green shall be and is hereby annexed to the district composed of the counties of Ulster, Orange and Delaware, for the purpose of electing members to represent said district in the Congress of the United States.

A. D. 1800.

CHAP. LXVIII.

An ACT for the relief of Robert Johnston.

Passed 28th March, 1800.

WHEREAS it appears that the commissioners of forfeitures for the Middle District of this state, on the fifteenth day of May, in the year of our Lord one thousand seven hundred and eighty-one, for the consideration of two thousand seven hundred and fifty pounds, in certificates, did sell and convey to William Smith a certain tract of land, with the appurtenances, situate in the county of Dutchess, and forfeited to the people of this state by the attainer of Beverly Robinson and Susanna his wife, and Roger Morris and Mary his wife. And whereas it is represented to the Legislature that the said farm or tract of land was afterwards sold and conveyed by the said William Smith to Robert Johnston, and that the said conveyance so executed by the commissioners of forfeitures aforesaid hath been accidentally consumed by fire: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That Relief granted in the premises. *the abstract or return of the said conveyance, made and returned by the commissioners of forfeitures for the Middle District, in and to the clerk of the county of Dutchess, and now on file or of record in his office, shall in all courts of law or equity within this state be deemed and held as legal evidence of the existence of such deed, and of all the matters and things in the said abstract contained to all intents and purposes as if the said original conveyance was or could be produced, and shall be adjudged to have vested from the date of the said conveyance in the said William Smith, his heirs and assigns, all the right and title of the people of this state of, in and to the pre-*

Preamble, stat-
ing the case of
Robert John-
ston.

A. D. 1800.

mises in the said abstract or return specified
and contained.

CHAP. LXIX.

An ACT to amend an act entitled "An act to establish a Turnpike Corporation for improving the Road from the City of Hudson to the Line of Massachusetts, on the route to Hartford.

Passed 28th March, 1800.

Preamble.

WHEREAS the president and directors of the Columbia turnpike company have, by their petition, represented to the Legislature that several defects exist in the act incorporating said company, and have prayed a modification thereof: Therefore,

Route of the
said road thro'
Hudson, Claverack
and Hillsdale.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the road mentioned and described in said act shall commence near the dwelling-house of Ezekiel Gilbert, Esquire, in the city of Hudson, at a point to be determined by the president and directors aforesaid, and shall run thence to the Massachusetts line by such rout as they shall direct, by the houses of Jacob Rutsen Van Rensselaer, Stephen Miller, Peter Mesick and James Bedell, in the town of Claverack, John Hagerman, and the heirs of Ambrose Latting, deceased, in the town of Hillsdale.

Certain powers
and privileges
to the said cor-
poration in the
preses, and un-
der certain re-
strictions.

And be it further enacted, That the said corporation, by the president and directors, or by any agents, superintendants, artists, or other persons employed by them, may enter into any land where they may deem it proper to construct said road, and to lay out, survey, and labour on such routs or tracts as shall be most eligible for a good and sufficient road between

A. D. 1800.

the places aforesaid, and contract with the owner or owners for the purchase of so much thereof as may be necessary for making said road, and erecting and establishing gates, toll-houses, and all other works to the said road belonging; and in case of disagreement between the said parties respecting the damages to be done to said land, or if the owner or owners shall be feme coverts, insane, under age or out of the county, then it shall and may be lawful for the said president and directors to apply to one of the judges or assistant justices of the court of common pleas in and for said county of Columbia, not interested in said road, who is hereby authorised and required to nominate, and by an instrument in writing, signed by him, to appoint three commissioners, being freeholders of the county, and who shall not be inhabitants of any of the towns through which said road shall pass; and it shall be the duty of the said president and directors to cause a copy of such appointment to be served on each of said commissioners, who shall thereupon name a day for meeting on the said lands, and performing the duties required of them by this act; and also to give notice to the owner or owners of such lands of the said appointment, and the day being at least four days from the time of giving such notice when and where the commissioners will meet for the purpose of examining the lands and assessing the damages (except in case the owner or owners shall labour under any of the disabilities aforesaid, or be out of the county, in either of which cases a copy of such notice may be left at the dwelling-house of the party (if any) or other notorious place on the land through which said road shall pass.) And further, each of said commissioners shall, before he proceeds to exercise the trust reposed

An oath to be
taken by the
Commissioners.

A. D. 1800.

in him by this act, take and subscribe an oath before one of the justices of the peace in and for said county, that he will, without favour or partiality, estimate and assess the damages which may be sustained by the owner or owners of any lands or improvements which the said corporation may deem necessary for the said road ; and the commissioners shall then proceed to view the premises, and having determined the damages, shall make an inquisition under their hands and seals, or the hands and seals of any two of them, stating the amount of damages (if any) which each or any of the owner or owners of any parcel of land used or to be used for said road have sustained or shall sustain, which inquisition shall be acknowledged by the commissioners signing the same before one of the judges aforesaid, and filed, together with the oath aforesaid, in the office of the clerk of the county of Columbia, who shall, at the expence, costs and charges of the president and directors aforesaid, enter the same of record in the book kept by him for recording deeds, and the said corporation paying to the several owners of said lands the several sums awarded in the inquisition, shall have and hold to them, their successors and assigns forever, the lands and tenements described therein ; and the president and directors aforesaid shall pay to the judge who made the appointment of said commissioners, two dollars for his services, and to each of the said commissioners for every day necessarily attending the duties required of them by this act, two dollars and fifty cents.

Certain gates
where to be es-
tablished.

And be it further enacted, That the most westerly turnpike or gate on said road shall be erected near the dwelling-house of John Van Hoesen, in the city of Hudson ; one other gate near the dwelling-house of James Bedell, in the town of Claverack, and the most eastward-

A. D. 1800.

ly gate at such place near the Massachusetts line aforesaid as the president and directors aforesaid shall direct, and that the following rates of toll, and no more, shall be taken at the several gates or turnpikes, viz. for a score of cattle, and in that proportion for a greater or less number passing through said west gate, nine cents, the middle and eastern gates, eighteen cents each ; for a score of hogs or sheep, and in that proportion for a greater or less number, at the said west gate, four cents, the middle and east gates, five cents each ; for a horse and rider, a led or driven horse or mule at said west gate, two cents, the middle and east gates, four cents each ; for a sulky, chair or chaise and one horse, and for each additional horse, two cents, at said west gate five cents, the middle and east gates ten cents each ; for a coach, coachee, chariot, phaeton, or other four wheel pleasure carriage, at said west gate, ten cents, the middle and east gates, eighteen cents each ; for every stage coach or waggon at said west gate, eight cents, the middle and eastern gates, sixteen cents each ; for every waggon or cart drawn by two horses or two oxen, and one cent for every additional horse or ox, at said west gate, five cents, the middle and eastern gates, ten cents each ; for every sleigh or sled drawn by two horses or oxen, and one cent for every additional horse or ox, at said west gate, two cents, the middle and eastern gates, four cents each ; for every other carriage at said west gate, two cents, the middle and east gates, four cents each.

And be it further enacted, That all carriages, the rim of whose wheels shall be twelve inches in width, shall and may pass on said road, and through all or any of the gates or turnpikes free of toll.

What carriages
to pass free.

A. D. 1800.

Regulation for travellers passing each other. *And be it further enacted, That whenever any persons travelling in carriages or sleighs of any kind meet on said road, the person whose duty it shall be by law to turn out of the road, shall pass to the right of the centre of the road, and in default thereof shall be subject to the penalty established by law for refusing to turn out of the road.*

Appointment of votes.

And be it further enacted, That each stockholder shall be entitled to one vote for each share of stock held by him, not exceeding fifty shares, and to one vote for three shares beyond that number.

A certain road declared to be a part of the road established in the act recited.

And be it further enacted, That a road commencing on the west bank of Hudson's river, opposite to the city of Hudson, and running thence westerly by the nearest and most convenient rout to the town of Freehold, by the house of Stephen Platt, shall be deemed and considered part and parcel of the road erected and established by said recited act; and it shall and may be lawful for the president and directors aforesaid, at any time within two years after the passing of this act, if they shall deem it necessary, to open books of subscription in the manner prescribed by said act, and shall continue them open till a number of shares, not exceeding one hundred and fifty, shall be subscribed, for the purpose of making and compleating the road aforesaid, as directed in and by said act.

A gate to be erected as soon as 5 miles of said road is compleated.

And be it further enacted, That whenever said road, or any part thereof, not less than five miles, shall be compleated, and permission given as by said act directed, it shall and may be lawful for the president and directors to erect one turnpike or gate, not less than five miles from the river aforesaid, to appoint a toll gatherer, and to have and receive the like toll as is herein before directed to be paid at

the west gate aforesaid, and in like manner to erect and establish another turnpike or gate near the dwelling-house of said Stephen Platt, and to receive and have the like toll as is directed to be paid at either of the other gates aforesaid; and in case the road last aforesaid shall not be compleated within six years from the passing of this act, the same, so far as it respects the said last mentioned road, shall be void and cease.

A. D. 1800.

And if not compleated in six years to be void.

And be it further enacted, That so much of the first section of the act hereby intended to be amended as directs the place of beginning of said turnpike road, and the rout thence to the Massachusetts line, the provision in the second and seventh sections, and the eighth and ninth sections of said act be, and the same are hereby repealed.

Part of the act
hereby amend-
ed repealed.

CHAP. LXX.

An ACT making provision for the Revision of the Laws of this State.

Passed 28th of March, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That James Kent and Jacob Radcliff shall be and are hereby authorized and appointed to collect and reduce into proper form, under certain titles of acts, all the public acts of the Legislature of this State, now in force, and which may be in force during the time by this act allowed for the completion of the business hereby authorised to be performed. And that they carefully collect and reduce into one act all the different acts or parts of acts which shall or may relate to the same subject or place which in their judgement shall be most useful, and render the said acts

James Kent and
Jacob Radcliff,
authorised to re-
vise all public
acts now in force
&c.

To collect into
one, all acts and
parts of acts re-
lating to the
same subject.

To omit certain
parts and to
transcribe and
lay before the

A. D. 1800. most plain and easily to be understood. And Legislature the that in such acts they omit every or any part acts or parts of or parts of the acts before passed as shall have acts so collected, been previously repealed, or shall have expired by their own limitation. And that they shall transcribe all such acts and parts of acts which shall be so collected and reduced into one act, and lay the same before the Legislature from time to time as they shall prepare the same, to be re-enacted if the Legislature shall think proper.

To present to the Legislature, imperfections which may appear.

And be it further enacted, That the said James Kent and Jacob Radcliff may also present to the Legislature, with the respective acts so transcribed and presented to the Legislature, from time to time, in writing, any contradictions, omissions or imperfections which may appear to them in the different acts or parts of acts they shall collect and reduce into one act, to the end that the same may be more easily reconciled, supplied and amended.

Other acts to be collected, reduced into proper form, transcribed and laid before the Legislature.

And be it further enacted, That the said James Kent and Jacob Radcliff shall collect, and reduce into proper form under certain titles of acts, all the other acts and parts of acts of the Legislature of this State now in force, and which may be in force during the time by this act allowed for the completion of the business hereby authorised to be performed, and transcribe and lay the same before the Legislature from time to time as they shall prepare the same to be re-enacted if the Legislature shall think proper.

With their opinion whether such acts affect individuals merely.

And be it further enacted, That the said James Kent and Jacob Radcliff may also present to the Legislature, with the last mentioned acts so transcribed respectively, from time to time in writing, their opinion whether any of the said acts affect an individual per-

A. D. 1800.

son merely, to the end that the Legislature may the more easily determine whether the same ought to be re-enacted and printed or not.

And be it further enacted, That the said James Kent and Jacob Radcliff, do present to the Legislature the titles of all public acts, and acts which affect several persons or any district of country comprehending different persons as shall not then be in force, noting when they were respectively repealed or did expire, that the Legislature may determine whether the same ought to be printed with the acts which may be re-enacted and printed, or not.

To present to the Legislature certain public acts and titles of acts.

And be it further enacted, That the said James Kent and Jacob Radcliff shall, and may from time to time, have access to, and be permitted to examine any of the records, books or papers in any of the public offices of this State, without fee or reward, and to take therefrom temporarily any records, books or papers necessary for the purposes aforesaid. And it shall be the duty of the Secretary of this State to assist them in the necessary searches and copying the records, books and papers which may be necessary to the end hereby proposed without fee or reward therefor.

Secretary's duty.

Time allowed them.

And be it further enacted, That the said James Kent and Jacob Radcliff shall be allowed the space of two years to complete the transcribing the laws, and until the end of the next session of the Legislature after the transcribing is compleated to present the whole thereof to the Legislature.

And be it further enacted, That the book or books of acts of the Legislature, printed by the printer to this State for the time being either before or after the passing of this act, shall be sufficient evidence *prima facie* of the existence of the acts therein mentioned.

The books of acts printed, by the State printer evidence of the existence of acts.

A. D. 1800.

Compensation,
&c.

And be it further enacted, That the said James Kent and Jacob Radcliff shall be, and hereby are allowed one thousand dollars each for the services hereby required of them, and the Legislature will make provision by law for the payment of clerk hire and stationary necessary in the premises.

*Governor em-
powered to fill
vacancies occa-
tioned by death
or refusal to act.* *And be it further enacted, That the person required, in case the persons before named, or either of them, shall die or refuse to act in the premises, to nominate and appoint another or others in his or their stead, who shall have the like powers and be entitled to the like compensation as aforesaid.*

CHAP. LXXI.

An ACT granting certain Powers to the Mayor, Aldermen and Commonalty of the City of Schenectady, and for other purposes therein mentioned.

Passed 28th March, 1800.

Corporation
empowered to
make certain
bye Laws.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful to and for the mayor, aldermen and commonalty of the city of Schenectady, in common council convened, and they are hereby authorized from time to time to make such bye-laws as they may conceive necessary for restraining any horses, hogs, cows, or any other cattle, from running at large on the flats commonly called the Bowland, and the islands distinguished by the names of Van Slyck's, Wemple's and Fonda's islands, lying within the bounds of the said city.

Inhabitants of
3d and 4th
Wards may an-

And be it further enacted, That it shall and may be lawful for the freeholders and inhabitants of the third and fourth wards of said

James
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com-
city, at their annual meeting, to make such ^{A. D. 1800.} regulations respecting said wards as the free-
holders and inhabitants of the several towns in
this state are allowed by law to make, provid-
ed such regulations be not contrary to, or in-
consistent with the powers vested in the cor-
poration of said city.

^wually make re-
gulations for
their respective
Wards.

And be it further enacted, That the seventh section of the act entitled "An act to appoint trustees to take and hold certain lands therein mentioned, and for other purposes," passed the fifth day of April, one thousand seven hundred and ninety, shall be and hereby is repealed.

<sup>The seventh
section of an act
repealed.</sup>

CHAP. LXXII.

An ACT relative to Town Meetings in certain Towns therein mentioned.

Passed 28th March, 1800.

WHEREAS doubts are entertained whe-
ther certain towns formed at the pre-
sent session of the Legislature will receive notice,
by reason of their distance, so as to hold town
meetings therein for the present year, on the
day appointed by law for that purpose. For
remedy whereof,

Preamble.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for any such town which shall not hold a town meeting for the election of town officers, and other necessary business, on the day appointed by law, to hold such town meetings for the present year on the third Tuesday of April next, any thing in any former law to the contrary notwithstanding.

*Certain Towns
authorised to
hold Meetings
on the 3d Tues-
day in April
next.*

A. D. 1800.

CHAP. LXXIII.

An ACT to amend an act entitled "An act concerning Sheriffs, and the service and return of Process," and the act entitled "An act concerning Coroners," passed the 24th of February, 1798.

Passed 28th March, 1800.

Security, how
to be given by
the Sheriffs of
the Counties
herein mention-
ed.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That instead of the sum mentioned in the first section of the act entitled "An act to amend an act entitled "an act concerning sheriffs, and the service and return of process," and the act entitled "An act concerning coroners," passed the 24th of February, 1798, and in which security is to be given by sheriffs, it shall be lawful for the sheriffs already appointed, in the counties hereafter mentioned, and who have not given security as by the said act is required, or who may be hereafter appointed in the counties of Delaware, Tioga, Cayuga, Onondaga, Ontario, Steuben, Essex and Clinton, to enter into such bond as in the said first section of the said act is prescribed, with any number of sureties, such as is therein mentioned, not exceeding six; and it shall be sufficient for each surety to make oath that he is a freeholder of this state, and is worth such part of ten thousand dollars as shall be proportionate to the number of sureties bound in such bond, over and above all debts whatsoever owing by him, which oath shall be endorsed and subscribed, and the competency of the sureties shall be adjudged of, and determined on, according to the directions of the first section of the said act hereby amended.

CHAP. LXXIV.

A. D. 1800.

*An ACT for the preservation of Salmon in cer-
tain rivers running into Lakes Ontario, Erie
and Champlain.*

Passed 28th March, 1800.

WHEREAS it is represented to this Legislature, by a number of the inhabitants of the town of Mexico and others, of the county of Oneida, that the salmon fishery in the rivers or creeks running into the eastern part of Lake Ontario, has lately been greatly injured by persons from Canada and other places, drawing seines, setting nets, erecting weirs, and making other obstructions to prevent the salmon from going up the said rivers or creeks, to the great injury of the new settlers, and others in that part of the country: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That every person who shall, after the first day of June next, draw any seine, set any net, make any weir or other obstruction in the rivers called the big salmon river or creek, the little salmon river or creek, the great sandy river or creek, and the little sandy river or creek, or within one hundred rods from the mouths thereof, to divert the salmon in their usual course in going up the said rivers or creeks, the person or persons so offending, for every such offence shall forfeit the sum of twenty-five dollars, besides the salmon he or they may take by such seine, net, weir, or other obstruction in the said rivers or creeks, or within one hundred rods of the mouths thereof, to be recovered in an action of debt with costs of suit in any court having cognizance of the same, the one half of which forfeiture when recovered shall be paid to the prosecutor, and

Persons draw-
ing or setting a
Seine, Net
Weir or other
obstruction in
the Rivers or
Creeks herein
mentioned sub-
ject to a penal-
ty.

Said penalty
how to be recov-
ered and appli-
ed.

A. D. 1800. the other half to the overseers of the highways of the town or place where such recovery shall be had, to be applied to the repairing of the roads in such town or place.

Persons making
a dam across
said Rivers or
Creeks subject
to a penalty.

Such dam to be
deemed a nui-
sance and to be
removed.

Mill-dams or
other dams now
erected to be al-
tered so as to af-
ford a passage
for the Salmon
—under a pen-
alty.

And if not so
altered to be
deemed nui-
sances and to be
removed.

And be it further enacted, That if any person or persons shall make any dam across any part of the said rivers or creeks below where salmon are found, so as to prevent the usual course of the salmon from going up the said rivers or creeks, the person or persons so offending, shall for every such offence, forfeit the sum of five hundred dollars, to be recovered as aforesaid for the uses aforesaid, and such dam shall be deemed a public nuisance, and be removed as other public nuisances are by law.

And be it further enacted, That the owner or owners of mill-dams or other dams now erected or made across any of the said rivers or creeks, or across any river or creek running into lakes Ontario, Erie or Champlain, so as to prevent the usual course of the salmon from going up the said rivers or creeks, shall within eighteen months from the passing of this act, so alter such mill dam, or other dam, by making a slope thereto, not exceeding forty-five degrees, and planked in such smooth manner that salmon may easily pass over into the waters above the dam, or by removing the obstructions of such dam in any other manner so that the salmon may freely pass into the waters above such dam, on penalty of two hundred dollars, to be recovered as aforesaid for the uses aforesaid; and in case such mill-dam, or other dam, shall not be so altered as aforesaid, within the time above mentioned for that purpose, such mill-dam, or other dam, shall be deemed a public nuisance, and as such shall be removed in like manner as public nuisances are by law removed.

CHAP. LXXV.

An ACT directing the Surveyor-General to sell certain vacant Lands in the Counties of Orange and Rockland.

Passed 28th March, 1800.

WHEREAS John Hathorn, Peter Townsend, William Hause, Hezekiah Mead, Samuel Drew, Ezra Sandford, James McCann, William Booth, Daniel Benedict, Abner Patterson, William Ellis, David Sandford, Thomas Sandford, David Hawkins, Samuel Ketchum, Henry Wisner, Henry Bush, Samuel Bush, Abraham Smith, John Smith, Adolphus Shurt, Nicholas Conclin, John Becroft and John Jenkins, by their petition presented to the Legislature, have stated that they are settled on, and improved lands in Orange county under the proprietors of the patent of Wawayanda, which lands have been adjudged to be unpatented and belong to the people of this State, and are included with other lands not settled on, or improved as aforesaid within the following boundaries, to wit. southwesterly by the state of New-Jersey; northerly by a line running from the thirty-first mile-stone in the line of division between this state and the state of New-Jersey to a monument erected by commissioners at the northwest corner of a tract of land granted to Daniel Honan and Michael Hawden, called Kakiate, and easterly and southerly by patented lands. And by their said petition have prayed that they may be quieted in their said possessions, and to purchase in addition thereto such other quantity of vacant land within the boundaries aforesaid, and on such terms as the Legislature shall direct: Therefore,

Preamble.
Reciting a petition of several persons stating that they are settlers on lands deemed to be unpatented, &c.

A. D. 1800.

Surveyor Gen.
to grant the
right of this
State to the
lands herein
described.

What quantity
to be granted
and upon what
terms.

Conveyances
how to be exe-
cuted.

Payment to be
secured by
mortgage if
not made on
execution of
the conveyanc-
es.

Recital.

Disputes how
to be settled.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the Surveyor-General to grant to each of the petitioners above named all the estate, right, title and interest of the people of this State of, in and to the lands improved by them respectively with such other vacant lands within the said boundaries to the amount of not less than one hundred acres and not more than four hundred acres including their respective improvements, they paying therefor not less than the sum of twenty-five cents per acre.

And be it further enacted, That the Surveyor-General shall execute conveyances to the said petitioners respectively at their expence of the said lands including their improvements, in the form prescribed in and by the act, entitled "An act for the better support of the Oneida, Onondaga and Cayuga Indians, and for other purposes therein mentioned," and unless the purchase money be then paid into the Treasury, shall immediately thereafter take from each purchaser, on the lands so conveyed to them, a mortgage to secure the purchase money and interest in the form prescribed in the said act, and shall cause such mortgages to be registered in the office of the clerk of the county in which the lands so mortgaged shall be situated, and then deliver the mortgages to the Comptroller of this State.

And whereas disputes may arise between the said petitioners respecting the extent of their possessions or improvements: Therefore,

Be it further enacted, That it shall be the duty of the Surveyor-General to appoint three discreet freeholders not interested in the premises, who are hereby authorised and re-

quired to examine, also at the expence of the possessors, the disputes of the said possessors relative to their possessions, and to report thereon to the Surveyor-General in writing, which report shall be final and conclusive between the parties concerned as to the extent of the boundaries aforesaid.

CHAP. LXXVI.

An ACT to vest in the United States the Title to certain Lands on Staten Island.

Passed 1st April, 1800.

WHEREAS in and by the act of the Legislature of this state, entitled "An act to provide against infectious and pestilential diseases," passed February the 25th, 1799, provision is made to vest in this state the fee simple of a tract of land, not exceeding thirty acres, on the easterly part of Staten Island. And whereas the United States have laid out and expended a large sum of money in making improvements on the said tract for the purpose of facilitating commerce and collecting duties in the port of New-York, and are desirous of expending more money for the same purpose, Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the Governor of this State for the time being (as soon as this State shall become vested with title to the said tract in pursuance of the said act) shall be and hereby is authorised to grant to the United States the fee simple of such part of the said tract, not exceeding five acres, on which the said improvements have been made, together with so much land under the water contiguous thereto, as to him may appear necessary for the purpose afore-

The Governor
authorised to
grant the fee
simple of the
lands therein
mentioned.

A. D. 1800. Proviso. said, for such sum or consideration as the State shall pay for the same. *Provided*, That such grant shall expressly reserve the jurisdiction of this State.

CHAP. LXXVII.

An ACT to amend an act, entitled "An act concerning the Salt Springs, in the County of Onondaga, passed 30th March, one thousand seven hundred and ninety-eight, and to amend "an act for laying out part of Lot No. 1, in the Town of Hannibal, in the County of Onondaga, into Lots, and for other purposes therein mentioned, passed third day of April, one thousand seven hundred and ninety-seven.

Passed 1st April, 1800.

Preamble.

WHEREAS the two above recited acts have directed the Surveyor-General to lay out certain lots of land therein mentioned, and to dispose thereof, but no power is expressly given therein to execute conveyances from this state to the purchasers: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the Surveyor-General be, and he is hereby authorised to execute deeds of conveyance of the said lands to the purchaser or purchasers, their heirs and assigns, as soon as they shall fulfil what is required in and by said recited act, and that the person or persons who have heretofore purchased any of the said lands, shall pay the purchase money to the Surveyor-General on or before the twenty-fifth day of December next.

Monies due on
former pur-
chases when to
be paid.

Surveyor Gene-
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to execute deeds
to purchasers of
the lots of land
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CHAP. LXXVIII.

A. D. 1800.

An ACT to establish a Turnpike Road Company for improving the State-Road from the house of John House, in the Village of Utica, in the County of Oneida, to the Village of Cayuga, in the County of Cayuga, and from thence to Canadarque, in the County of Ontario.

Passed 1st April, 1800.

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BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That Benjamin Walker, Charles Williamson, Jedediah Sanger and Israel Chapin, and all such persons as shall associate for the purpose of making a good and sufficient road in the form and manner herein after described, from the house of John House, in the village of Utica, to the village of Cayuga, and from thence to the court-house in Canadarque, in the county of Ontario, observing as nearly the line of the present state-road as the nature of the ground will allow, shall be and are hereby made a corporation and body politic, in fact and in name, by the name of "The President and Directors of the Seneca Road Company;" Stile of the corporation and powers. and by that name shall be capable in law to purchase, have, hold, enjoy and retain to them and their respective successors, lands, tenements and hereditaments, as also goods, chattels and effects of every kind whatsoever, not exceeding in value twelve thousand dollars; and the same, or any part thereof, to sell, grant, demise, alien or dispose of, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts whatsoever: *Provided*, That the same are and shall be necessary for carrying this act into effect.

And be it further enacted, That Benjamin Commissioners named. Walker, Charles Williamson, Jedediah San-

The persons
herein named &
their associates
incorporated.

Proviso.

A. D. 1800. ger and Israel Chapin be, and are hereby appointed commissioners to do and perform the several duties herein after mentioned.

Property & concerns to be managed by 9 directors.

And be it further enacted, That the property and concerns of the said corporation shall be managed by nine directors, who shall hold their offices from the first Tuesday in May next to the first Tuesday in May thereafter, which shall be the day of their election in every year, and shall be elected by such of the stockholders as shall attend for that purpose, either personally or by proxy, on the first Tuesday in May in the year one thousand eight hundred and two, and in every year thereafter, at such time of the day and such place, at no more than two miles distant from said road, as the directors for the time being shall appoint ; of which time and place public notice shall be given by the said directors at least thirty days previous to the day of the election, by advertisements to be published weekly for four weeks successively in at least three of the public newspapers, one printed in New-York, one in Albany and one in the Western District of this state ; and all elections for directors shall be by ballot, and the nine persons having the votes of the greatest number of shares shall be the directors ; and the directors so chosen, shall, at their first meeting, proceed to elect by ballot one of their number to be their president ; and if any of the directors so to be elected shall remove out of this state, the office of such director or directors shall be considered as vacant ; and all vacancies which may happen by death, resignation or removal, shall be filled for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors for the time being, or the major part of them, shall appoint.

Directors when and how to be elected.

Vacancies how to be filled.

And be it further enacted, That the capital stock of said company shall consist of two thousand two hundred shares, and that a share in said stock shall be fifty dollars ; that subscriptions to the said stock shall be opened and kept open under the direction of the said commissioners and of the directors when so chosen as herein after mentioned, at such times and places as they may deem best ; and that as soon as five hundred shares shall have been subscribed, the said commissioners shall, by public notice, require the stockholders to meet at a time and place therein to be specified, to elect five directors, who shall be stockholders, and who, together with the said commissioners, shall be the directors, and shall manage the concerns of the company thenceforth until the first Tuesday in May in the year one thousand eight hundred and two.

*Subscriptions
how to be taken.*

*5 directors when
to be elected.*

And be it further enacted, That the corporation by the president and directors, or by any agents, superintendants, artists or other persons employed by them, may enter into any land, where they may deem it necessary to deviate from the Genesee road, to make and complete said road, and to lay out, survey and labour on such routs or tracts as shall be most eligible for a good and sufficient road between the places aforesaid, and contract with the owner or owners for the purchase of so much thereof as may be necessary for making said road, and erecting and establishing gates, toll-houses, and all other works to the said road belonging ; and in case of disagreement between the parties respecting damages to be done to said lands, or if the owner or owners thereof shall be feme covert, insane, under age, or out of the county, then it shall be the duty of the president and directors, within six weeks, to apply to one of the judges or assistant justices

*Further powers
of said corpora-
tion.*

*Mode of pro-
ceeding in case
of disagreement
as to damages.*

A. D. 1800.

of the court of common pleas in and for the county in which such damage shall have been done, not interested in said road, who is hereby required and authorized to nominate, and by an instrument in writing, signed by him, to appoint three commissioners, not interested in the premises, being freeholders of the county; and it shall be the duty of said president and directors to cause a copy of such appointment to be served on each of the said commissioners, who shall thereupon name a day for meeting on said lands, and performing the duties imposed on them by this act; and also to give notice to the owner or owners of said appointment and day, being at least ten days from the time of giving such notice, when and where the commissioners shall meet, for the purposes of examining the land and assessing the damages; except in case the owner or owners shall labour under any of the disabilities aforesaid, or be out of the county, in either of which cases a copy of such notice may be left at the dwelling house of the party (if any) or other notorious place on the land through which said road shall pass. And

Oath to be taken by said Commissioners.

further, each of the said commissioners, before he shall act shall take and subscribe an oath before one of the justices of the peace in and for said county, that he will, without favor or partiality, estimate and assess the damages which may be sustained by the owner or owners or occupants of any lands or improvements which the said corporation may deem necessary for said road or toll-houses; and the commissioners shall then proceed to view the premises, and having determined the damages,

And to make an inquisition under their hands and seals, or the hands and seals of any two of them, stating the amount of damages (if any) which any owner or owners or occu-

A. D. 1800.

pants of any parcel of land used or to be used for said road hath or have sustained or shall sustain; which inquisition shall be acknowledged by the commissioners signing the same, before one of the judges of the courts aforesaid, and filed together with the oath aforesaid in the office of the clerk of the county where such damage may be done or such inquisition taken, who shall, at the expence, costs and charges of the president and directors aforesaid, enter the same of record in the book kept by him for recording deeds; and the said corporation paying to the several owners of said lands the several sums awarded in the inquisition, shall have and hold to them, their successors and assigns forever, the lands and tenements described therein; and the president and directors aforesaid shall pay to the judge who makes the appointment of said commissioners for his services two dollars, and to the said commissioners for every day necessarily attending the duties required of them, two dollars and fifty cents; and it shall be lawful for every owner and occupant, if the said corporation shall refuse or neglect to pay the sum awarded by such inquisition on demand, to sue for and recover the same with interest.

Compensation
to the Judge &
Commissioners.

And be it further enacted, That the directors for the time being, or a major part of them, shall have power to make and prescribe such bye laws, rules and regulations, as to them or a major part of them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation; and touching the duties and conduct of the officers, clerks and servants employed therein; and touching the election of directors and all such other matters as appertain to the powers hereby granted.

Directors may
make bye-laws.

A. D. 1800.

to them ; and shall also have power to appoint so many officers, clerks and servants, for carrying on the said business, and with such salaries and allowances as they or the major part of them shall deem meet : *Provided* that such bye-laws, rules and regulations, be not repugnant to the constitution and laws of the United States or of this State.

Directors may demand sums of money subscribed on pain of forfeiture,

And be it further enacted, That it shall be lawful for the said directors or the major part of them to call and demand from the stockholders respectively all such sums of money by them subscribed or to be subscribed pursuant to any bye-laws, rules or regulations of the said corporation, at such time and in such proportions as they shall see fit, under pain of forfeiture of their shares, and of all previous payments thereon to the said president, directors and company.

Dimensions and plan of said Road.

And be it further enacted, That the said road shall be six rods in width, and that the said president and directors shall cause the same to be cleared of all timber excepting trees of ornament, and to be improved in manner following, to wit : in the middle of the said road there shall be formed a space not less than twenty-four feet in breadth, the centre of which shall be raised fifteen inches above the sides, rising towards the middle by gradual arch, twenty feet of which shall be covered with gravel or broken stone fifteen inches deep in the centre and nine inches deep on the sides,

Sufficient Bridges to be erected.

so as to form a firm and even surface. The said president and directors shall cause good and sufficient bridges, not less than twenty-two feet wide, to be erected on the said line of road, or any portion thereof where toll may be demanded, excepting the bridge now building over the Cayuga lake ; which road and bridges shall be kept in good and sufficient re-

pair; and in case they shall not cause the said road and bridges to be kept in good and sufficient repair, it shall be the duty of the Assistant Attorney-General of the district in which such road or bridges so neglected lie, upon information thereof being given to him on oath, to cause an indictment to be preferred to the grand jury of the county in which such neglect shall happen, against the president, directors and company aforesaid, and to cause the same to be prosecuted to effect in like manner as bills of indictment in cases of such nature shall be prosecuted, and in any court having cognizance of the same in the said county where the neglect shall happen (excepting the bridge aforesaid) and upon conviction the court shall proceed to pass such judgment, not exceeding a fine of twenty-five dollars for every such neglect as to them shall seem just and proper. *Provided always*, that in case any bridge shall be carried away, or the road or bridges otherwise injured by floods or by unavoidable accidents, or by design, that then the said president and directors shall cause the same forthwith to be repaired, and shall be allowed therefor a reasonable time excepting the bridge aforesaid.

And be it further enacted, That as soon as any part of said road, not less than ten miles in any place thereof, is made passable and convenient as aforesaid, notice thereof may be given to the person administering the government of this State, who shall thereupon forthwith nominate two or more persons to view the same, whose duty it shall be, at the expence of the said corporation, to report to him in writing whether that part of the road requested to be viewed is made and finished according to the true intent and meaning of this act; and if their report be in the affirma-

A. D. 1800.
Duty of the assistant Attorney General in case said Road and bridges are not kept in repair.

Proviso.

The Governor may permit gates to be erected as soon as any part of said road not less than 10 miles shall be completed.

A. D. 1800.

Proviso.

tive, then it shall be lawful for the person administering the government of this State, to permit the president, directors and company to erect and fix as many gates and turnpikes upon and across said road, for the collection and receiving such tolls at the rate herein after granted to the said corporation from all persons travelling the same, with beasts of draught or burthen, or with carriages or otherways, as they shall think proper. *Provided always*, that such gates shall not be erected at a less distance than ten miles from each other.

And be it further enacted, That it shall and may be lawful for the directors of the said corporation to agree with any person or persons who may be willing to undertake to complete any part of the said road or bridges, and to take payment therefor in turnpike stock; but no contract of this nature shall exceed twenty shares of stock for each mile so contracted for, or ten shares for any one bridge.

And be it further enacted, That as soon as the said road is perfected, or ten miles thereof in any one place, according to the true intent and meaning of this act, that it shall and may be lawful for the president and directors to appoint a sufficient number of toll-gatherers to collect and receive of and from all and every person or persons using the said road, the tolls herein after mentioned, that is to say, at each gate for every waggon with two horses, not more than twelve and an half cents, and not more than three cents for every additional horse used in any waggon, cart, or other carriage; for every one horse cart, six cents; for every coach, four wheeled pleasure carriage or pleasure waggon, with two horses, twenty-five cents, and for every additional horse, three cents; for every chair or pleasure carriage

On 10 miles of
said road being
completed toll
gatherers may
be appointed.

Rates of toll.

with one horse, twelve and an half cents, and ^{A. D. 1800.} for every additional horse, six cents; for every cart drawn by two oxen, eight cents, and for every additional yoke, three cents; for every saddle or led horse, four cents; for every sled travelling the above road from the fifteenth day of December to the fifteenth day of March in each year, one half of the tolls herein before demanded for carriages for the transportation of burthens; for every score of cattle, six cents; for every score of sheep or hogs, three cents, and so in proportion for any greater or less number of cattle, sheep, or hogs: *Provided always*, That those who may use wagons or other carriages, the wheels of which shall exceed the width of nine inches, shall not pay above two thirds of the above mentioned rate of toll: *Provided also*, That no person ^{Further proviso.} passing to or from public worship on Sundays, going to their common labour on their farms with their cattle or teams, or returning therefrom, carrying fire-wood, going to or returning from mill for the grinding of grain for family use, or going to or returning from funerals, shall pay any toll at any gate situated within the bounds of the town in which they are resident. And it shall be lawful for any of the toll-gatherers to stop any person or persons driving any carriage or sled, riding or leading horses, driving horses, oxen, sheep or hogs, from passing through any of the said gates or turnpikes till they have respectively paid the tolls above mentioned; and if any person or persons shall forcibly pass any gate or gates without having paid the legal toll, he, she or they shall forfeit the sum of ten dollars for each offence, to be recovered in the name of the company, to their use, by action of debt, in any court having cognizance of the same, with costs; and if any person with his team

Toll gatherers
may stop per-
sons not paying
toll.

A. D. 1800. horses or carriages, cattle, sheep or hogs, shall, Persons forcibly after travelling the said road, turn off to pass passing any gate the said gates on ground adjacent thereto, and to forfeit 10 dollars, again enter on the said road, with intention of defrauding the said company by avoiding the payment of the toll due by virtue of this act, such person shall forfeit five dollars, to be recovered as aforesaid, with costs.

Toll gatherers guilty of misconduct to forfeit 25 dollars. And be it further enacted, That if any toll-gatherer shall unreasonably delay or hinder any person from passing any of the gates, and at any time in the day or night, on tendering the legal toll, or shall demand more than by this act established, he shall, for every such offence, pay a sum not exceeding twenty-five dollars, to be recovered before any justice in the county where such offence shall be committed, for the sole use of the person so hindered, delayed or defrauded, and in his name, with costs.

Stock of said company to be deemed personal property.

And be it further enacted, That the stock of the said company shall be taken and deemed personal estate, and shall and may be transferable, agreeable to such bye laws, rules and regulations as may from time to time be made by the directors.

Mile stones or posts to be erected.

List of tolls to be affixed to each gate.

And be it further enacted, That the said company shall cause mile-stones or posts to be erected and placed one for each and every mile of the said road on which they shall be permitted to place gates, and on each monument there shall be fairly marked the distance from Utica, and under that from Canadarque; and they shall also cause to be affixed to each gate or turnpike in legible characters a list of the rates of toll which may be lawfully demanded, which rates it shall and may be lawful for them to demand and receive according to the distance between that and the next following gate.

And be it further enacted, That if any person or persons shall wilfully break or throw down or deface any of the mile-stones or posts so to be erected, he or they shall forfeit the sum of twenty-five dollars, to be recovered in the name of the president and directors, and for the use of the company, in an action of debt or otherwise, in any court having cognizance thereof, with costs; and if any person or persons shall wilfully break or throw down any of the gates or turnpikes erected in pursuance of this act, he or they shall forfeit the sum of two hundred dollars, to be recovered as aforesaid.

A. D. 1800.

Persons who
shall injure any
mile-stone or
post to forfeit
25 dol. and 200
dol. for break-
ing down a gate

And be it further enacted, That if the said company shall not commence their operations on the said road within two years from the passing of this law, and complete the same within five years thereafter, according to the true intent and meaning of this act, then and in either of such cases this act shall cease.

In what cases
this act to cease.

And be it further enacted, That the said president and directors shall within six months after the said road is completed, or any part thereof where toll is allowed to be collected, lodge in the comptroller's office of this state, an account of the expence thereof, and the corporation shall annually exhibit to the comptroller a true account of the dividend or income arising from the said toll with the annual disbursements on the said road.

Account of ex-
pence of mak-
ing said road
and an annual
account of the
dividends and
disbursements
to be lodged
with the Com-
ptroller.

And be it further enacted, That the legislature may dissolve the said corporation when the income arising from the said toll shall have fully compensated the said corporation for all monies they may have expended in purchasing, making, repairing and taking care of the said road together with an interest of fourteen per centum per annum, and thereupon the right, interest and property of

When and in
what case said
corporation may
be dissolved.

A. D. 1800. the said road shall be vested in the people of this state.

CHAP. LXXIX.

An ACT to establish a Turnpike Corporation for improving and making a Road from the Town of Salisbury, in the State of Connecticut, to Wattles's Ferry on the Susquehannah river.

Passed 1st April, 1800.

The persons
herein named
and their asso-
ciates incorpo-
rated.

Style of the cor-
poration, and
powers.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That John Livingston, Stephen Day, Henry Livingston, Caleb Benton, George Hale, Samuel Haight, Garret Abeel, Martin G. Schuneman, Benjamin Van Orden, Sluman Wattles, Solomon Martin, John Cortright, and all such other persons as shall associate for the purpose of making a good and sufficient road from the line of the town of Salisbury, in the state of Connecticut, in the nearest and most direct route, as far as circumstances will admit by Ancram-furnace in the town of Livingston, to the ferry near the storehouse of John Livingston in said town, and from the landing at Catts-kill to the ferry commonly called Wattles's ferry on the Susquehannah river, shall be and hereby are created and made a corporation and body politic, in fact and in name by the name of the president, directors and company of the Susquehannah turnpike road, and by that name they shall be capable in law to purchase, have, hold, enjoy and retain to them and their respective successors, lands, tenements and hereditaments, goods, chattels and effects of every kind whatsoever, and the same or any part thereof to sell, grant, de-

mise, alien or dispose of, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in courts of record or any other place whatsoever. *Provided however,* That the amount of the said real estate, which the said corporation are hereby authorised to purchase and hold, shall not exceed twelve thousand dollars. And provided further, that such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the corporation hereby created and made, and to no other use, intent or purpose whatsoever.

A. D. 1802.

Proviso.

And be it further enacted, That Henry Livingston, Stephen Day, George Hale, Caleb Benton, Garret Abeel, Sluman Wattles, Samuel Haight, Martin G. Schuneman, John Cortright and Solomon Martin be, and they are hereby appointed commissioners to do and perform the several duties herein after mentioned, that is to say, they shall on or before the first day of June next procure ten books, and in each of them enter as follows, "We whose names are hereunto subscribed do for ourselves and our legal representatives, promise to pay the president, directors and company of the Susquehannah turnpike road the sum of twenty dollars for every share of stock in the said company set opposite to our respective names in such manner and proportion, and at such time and place as shall be determined by the said president, directors and company." One of which books shall be left with each of the said commissioners at their respective places of abode, who shall keep the same open for the purpose of receiving subscriptions, and every subscriber shall, at the time of subscribing, pay unto either of the said com-

Duty of the
commissioners
in obtaining
subscriptions.

A. D. 1800. *missioners the sum of three dollars for each share so subscribed. And the commissioners shall, as soon as one thousand five hundred shares have been subscribed, cause an advertisement to be inserted in one of the public newspapers printed in the city of Albany, giving at least fifteen days notice of the time and place the said subscribers shall meet for the purpose of choosing thirteen directors, who shall be stockholders, for the purpose of managing the concerns of the said company for one year, and the day of choosing the said directors shall for ever thereafter be the anniversary day for choosing directors. And any seven of the said directors shall be a quorum and capable of transacting the business of said corporation; and every act of a majority of said directors so met shall be binding on the said corporation; and the said directors, elected by a plurality of the votes of the stockholders present, shall immediately proceed to the choice of one of their number for president. And the said president and directors may meet from time to time at such time and place as they may find expedient and direct, and shall have power to make such bye-laws, rules, orders and regulations not inconsistent with the constitution or laws of this State or of the United States as shall be necessary for the well ordering the affairs of the said corporation.*

President to be chosen.

And bye-laws made.

Power of said president and directors in receiving subscriptions and appointing agents, &c.

And be it further enacted, That the said president and directors may continue to receive subscriptions to the stock of the said corporation until there shall be seven thousand shares subscribed, and shall have power to appoint such agents, clerks, workmen, and others under them as shall be necessary for executing the business of the said corporation.

And be it further enacted, That the said corporation, by the president and directors, or by any agent, superintendent, artist, or other person employed in their service, may enter into any land where they shall deem it proper to construct the said road, and to lay out and survey such routes or tracts as shall be most practicable for effecting a good and sufficient road between the places aforesaid; and the said president and directors may contract with the owners of the said land for the purchase of so much thereof as shall be necessary for the purpose of making the said road, and for erecting and establishing gates, toll-houses, and all other works to the said road belonging, the said president and directors paying the owner or owners, or occupant of the land so to be laid out as part of the road, such reasonable sum for damages as may be agreed on; and in case of disagreement between the parties as to the said damages, the same shall be determined by an appraisement, to be made on oath of three, or if they disagree, of two indifferent freeholders, to be mutually chosen, or (if the owners or occupants of the said land refuse or neglect to join in the choice) to be appointed by any judge of the court of common pleas of the county in which the lands or property shall be, provided the said judge shall not be interested in the said dispute.

And be it further enacted, That the said president, directors and company shall cause a road to be laid out at least four, and not exceeding six rods wide, twenty feet of which shall be bedded with wood, stone, gravel, or any other hard substance, compacted together a sufficient depth to secure a solid foundation to the same, and the said road shall be faced with gravel, or other hard substance, in such manner as to secure, as near as the materials will

A. D. 1809.
Powers granted
to said corpo-
ration, their
president and
directors or a
gent.

Damages how
to be compen-
sated for.

Dimensions,
construction &
route of the road
to be laid out.

A. D. 1800. admit, an even surface, rising towards the middle by a gradual arch; and they shall, during the continuance of this act, maintain and keep the same in good order from the town of Salisbury to the ferry near the store of John Livingston, in the town of Livingston, and from the landing at Catskill to the ferry known as aforesaid.

And be it further enacted; That as soon as the said president, directors and company shall have completed the said road, or four miles and an half thereof, on either or both sides of said river, then it shall be lawful for the president, directors and company to give notice to the governor of this state, who shall thereupon forthwith nominate and appoint three commissioners, who shall, at the expence of the said corporation, view the same, and report to him in writing, whether the said road is so far executed in a workmanlike manner, according to the true intent and meaning of this act; and if the said commissioners, or any two of them, report in the affirmative, then it shall be the duty of the governor, by licence under his hand and the privy seal of this state, to permit the said president, directors and company to erect one gate and turnpike across said road, on such side or sides of said river as the road thereon shall be so far completed, and in like manner for every ten miles which shall be completed thereafter and ascertained as aforesaid; and as soon as the whole or any part of the said road shall be completed, and permission to erect a gate or gates as aforesaid be granted, the president and directors may appoint toll-gatherers to collect and receive of and from all and every person or persons using the said road, at either of said gates, not less than three miles, and an half nor more than four miles from the said river, one half the

Toll-gatherers
when to be ap-
pointed.

toll herein after mentioned, and at each of the other gates or turnpikes the following toll or sums of money: For every score of sheep or hogs, eight cents; for every score of cattle, horses or mules, twenty cents, and so in proportion for any greater or less number of sheep, hogs, cattle, horses or mules; for every horse and rider, or led horse, five cents; for every sulkey, chair or chaise, with one horse, twelve and an half cents; for every cart drawn by one horse, six cents; for every chariot, coach, coachee or phaeton, twenty-five cents; for every stage waggon, or other four wheel carriage drawn by two horses, mules or oxen, twelve and an half cents, and three cents for every additional horse, mule or ox; for every cart drawn by two oxen, twelve and an half cents, and for every additional horse or ox, three cents; for every sleigh or sled, six cents, if drawn by two horses or oxen, and in like proportion if drawn by a greater or lesser number of horses or oxen; and it shall be lawful for any of the toll-gatherers to stop any person riding, leading or driving any horse, cattle, sheep or hogs, sulkey, phaeton, chair, chaise, cart, waggon, sleigh, or other carriage of burden or pleasure, from passing thro' the gates or turnpikes until they shall respectively have paid the toll as above specified: *Provided*, Provise. That nothing in this act shall be construed so as to entitle the said corporation to demand or receive toll of or from any person passing to or from public worship, or to or from his common business on his farm, or to or from any mill to which he may resort for the grinding of grain for his family use, or persons going to or returning from a funeral.

And be it further enacted, That the said corporation shall cause mile stones to be erected Mile-stones and guide posts to be erected. or placed, one for each and every mile of the

A. D. 1800,

A list of the
rates of toll to
be put up at
each gate.

said road on which they shall be permitted to place gates or turnpikes ; and on each stone, placed as aforesaid, shall be fairly and legibly marked the distance the said stone is from the north river ; and shall also erect guide posts at the intersection of all public highways leading into and from the said turnpike, on which shall be inscribed the name of the town in which the post stands, and the name of the town or towns to which the road leads, in the direction to which the hand points ; and the said corporation shall also cause to be affixed to each gate or turnpike, a printed list of the rates of toll which may be lawfully demanded.

Persons injur-
ing posts or oth-
erwise offend-
ing how to be
dealt with.

And be it further enacted, That if any person or persons shall break or throw down or deface any of the mile stones or guide posts so erected for the information of the good people of this state, or shall cut, break down, or destroy any of the gates or turnpikes which shall be erected in pursuance of this act, or shall forcibly pass the same without having paid the legal toll at such gate or turnpike, such person or persons shall forfeit and pay a fine of twenty-five dollars, to be recovered by the treasurer of the corporation, to their use, in an action of debt, with costs of suit ; and if any person shall, with his team, carriage, or horse, turn out of said road to pass a gate or gates, on ground adjacent thereto, and again enter on the said road, with intent to avoid the toll due by virtue of this act, such person shall forfeit and pay three times as much as the legal toll would have been for any such person in passing through said gate or gates, to be recovered by the treasurer of the said corporation for the use thereof, in an action of debt, with costs of suit.

And be it further enacted, That if any toll-gatherer shall unreasonably delay or hinder

any traveller or passenger, at any of the gates, or shall receive more toll than is by this act established, he shall, for every such offence, forfeit and pay the sum of twenty-five dollars, to be prosecuted for and recovered before any justice of the peace in the county where such offence shall be committed, for the sole use of the person so unreasonably hindered or defrauded.

A. D. 1800.
Toll gatherers guilty of misconduct how to be dealt with.

And be it further enacted, That the shares in the said turnpike road shall be taken, deemed and considered to be personal estate, and be transferable in such manner as the president and directors shall direct.

Shares deemed to be personal property.

And be it further enacted, That the president and directors of the said corporation shall keep a just and fair account of all monies received by the several collectors of toll on the said road, and shall make and declare a dividend of the clear profits and income (all contingent costs and charges being first deducted) amongst all the stockholders of the said corporation, and shall, on the second Tuesday of January and July in every year, publish the half yearly dividend to be made of the said clear profits among the stockholders, and the times and places when and where the same will be paid, and shall cause the same to be paid accordingly.

Accounts to be kept of tolls & dividends made half yearly.

And be it further enacted, That the said president and directors shall, within six months after said road is compleated, lodge in the comptroller's office of this State an account of the expence thereof, and the corporation shall annually exhibit to the comptroller a true account of all the income arising from said toll with the annual disbursements on said road.

Accounts of receipts and expenditures to be lodged with the Comptroller.

And be it further enacted, That the legislature may dissolve the said corporation when

A. D. 1800. the income arising from said toll shall have When the corporation may be dissolved. fully compensated the said corporation for all monies they may have expended in purchasing, making, repairing and taking care of said road, together with an interest thereon of fourteen per centum per annum; and thereupon the right, interest and property of said road shall be vested in the people of this state, and be and remain at their disposal.

Proviso. *Provided*, That if the said corporation shall not commence their operations on the said road within two years after passing of this act, or shall not within ten years afterwards complete the said road according to the true intent and meaning of this act; then and in either of these cases this act shall cease, be void and of no effect.

And be it further enacted, That it shall be Directors may lawful for the said directors to call for and demand payment of subscriptions under pain of forfeiture. of and from the stockholders respectively all such sums of money by them subscribed or to be subscribed at such times and in such proportions as they shall see fit under pain of forfeiture of their shares and of all previous payments made thereon to the said president, directors and company.

CHAP. LXXX.

An ACT for the Relief of William Horton and others.

Passed 1st April, 1800.

Preamble; reciting the case of Rachel Palmer and others.

WHEREAS Rachel Palmer, the widow of Lewis Palmer whose estate was forfeited to the people of this State, and was sold by the commissioners of forfeitures of the southern district, in the term of July, one thousand seven hundred and ninety-eight, commenced suits in the supreme court against

William Horton, William Horton, junior, Aaron Carman, Jonathan Travers and Jonathan Loder, for the recovery of her dower in the lands whereof they are seised under the sale aforesaid, and obtained judgments therein in the term of October last. And whereas the said Rachel Palmer hath refused to accept in satisfaction of her said claim the compensation usually allowed to the widows of persons whose estates have in like manner been forfeited, but hath caused writs of seisin to be issued on the judgments aforesaid and executed: Therefore,

A. D. 1800.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That there shall be allowed and paid, out of any monies in the treasury not otherwise appropriated, on the warrant of the Comptroller, to the said William Horton and William Horton, junior, the sum of two hundred and ninety-one dollars and sixty-two cents; to the said Jonathan Travers the sum of one hundred and sixteen dollars and sixty-two cents; to the said Aaron Carman the sum of three hundred and fifty dollars, and to the said Jonathan Loder the sum of eighty-seven dollars and fifty cents, being the whole amount of the compensation which the said Rachel Palmer would have been entitled to receive for her right of dower in pursuance of concurrent resolutions of the Senate and Assembly of the third and fourth of April, one thousand seven hundred and ninety-two.

Certain sums allowed to the persons herein named to be paid as compensation to the said Rachel Palmer.

And be it further enacted, That there shall also be allowed and paid, out of any monies in the Treasury not otherwise appropriated, on the warrant of the Comptroller, to the said William Horton and William Horton, junior, the further sum of five hundred and seventy dollars and forty-one cents; to the

Wells Fargo
1814. or 1815
1815

And further sums to said persons in full for all demands against the State.

A. D. 1800.

said Jonathan Travers, the further sum of two hundred and twenty-eight dollars and nine cents; to the said Aaron Carman, the further sum of six hundred and eighty-four dollars and sixty-one cents; to the said Jonathan Loder, the further sum of one hundred and seventy-one dollars and fourteen cents, in full satisfaction for the expences and damages by them respectively sustained or which they may hereafter sustain by reason of the judgments and executions aforesaid, and the said several sums hereby directed to be paid to the said William Horton and William Horton, junior, Aaron Carman, Jonathan Travers and Jonathan Loder are declared to be in full satisfaction of all claims and demands whatsoever of the said several persons respectively by reason of the premises against the people of this State, or against any person or persons whomsoever claiming or deriving title to the lands so recovered as aforesaid by reason of the forfeitures aforesaid.

CHAP. LXXXI.

An ACT for the Relief of Mary Hanson, widow and relict of John Hanson, deceased.

Passed 1st April, 1800.

Annual allowance to Mary Hanson.

Payable quarterly.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That Mary Hanson, of the city of New-York, widow and relict of John Hanson, deceased, be annually allowed the sum of one hundred and fifty dollars during her natural life, in full satisfaction of all her claims against this State, as widow or legatee of the said John Hanson, which sum shall be payable quarterly, yearly, in equal proportions, out of any mo-

ney which may be unappropriated in the A. D. 1800. Treasury of this State.

CHAP. LXXXII.

An ACT to amend an act, entitled "An act to establish a Turnpike Corporation for improving the Road from the Springs in Lebanon to the City of Albany, and a like Corporation for improving the Road from the Village of Bath to the Massachusetts line, and for repealing the act therein mentioned.

Passed 4th April, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That as soon as the whole or any part of the said road first above mentioned shall be completed, and permission to erect a gate or gates be granted, the president and directors of said corporation may appoint toll-gatherers to collect and receive of and from all and every person and persons using the said road, the tolls and duties herein after mentioned for ten miles, of said road, and if the distance between the gate or between the gates and either end of said road shall be greater or less than ten miles then the toll at such gate or gates shall be greater or less in proportion to the distance, which several distances shall be ascertained by the president and directors aforesaid, and the proportion of tolls to be paid at each gate established by them, that is to say, for every score of hogs or sheep, eight cents; for every score of cattle, mules or horses, twenty cents, and in proportion for any greater or lesser number of hogs, sheep, cattle, mules or horses; for every horse and rider or led horse, five cents; for every sul-

Gates to be erected on said road when certain parts thereof shall be completed.

Proportion of tolls to be paid.

A. D. 1800.

key, chair or chaise with one horse, twelve and an half cents ; for every cart drawn by one horse, six cents ; for every chariot, coach, coachee or phaeton, twenty-five cents ; for every stage-waggon or other four-wheeled carriage or cart drawn by two horses or oxen, twelve and an half cents, and three cents for each additional horse, mule or ox ; for every sleigh or sled drawn by two horses, mules or oxen, eight cents, and one cent for each additional horse, ox or mule ; and it shall be lawful for the toll-gatherers to stop any person or persons riding, leading or driving any horse, mule, cattle, sheep or hogs, or any kind of carriage until they shall respectively have paid the toll above specified.

*Apportionment
of votes for di-
rectors.*

And be it further enacted, That each stockholder shall, in voting for directors of said company, be entitled to one vote for each share held by him to the number of fifty, and to one vote for every three shares which he shall hold over and above said number of fifty.

*Certain provi-
sions extended
to the corpora-
tion herein
mentioned.*

And be it further enacted, That the provisions contained in the above enacting clauses be, and the same are hereby extended to the corporation established for making a good and sufficient road from the village of Bath, in the county of Rensselaer, in the nearest and most direct route to the house of James Main, in Petersburgh, in said county, and from thence to the line of Massachusetts, where the road from Williamstown to the city of Albany crosses the said line ; and that the times specified in said act for commencing and finishing said several roads shall be deemed as commencing only from the day of passing this act.

*A proviso and
section of the
act hereby ad-
mended repeal-
ed.*

And be it further enacted, That the proviso annexed to the second section of the act aforesaid, and the seventh section, be, and the same are hereby repealed.

And be it further enacted, That it shall and A. D. 1800.
 may be lawful for any person residing within Persons allowed
four miles of any of the gates to be erected
upon either of the said roads, to compound
by the year with the president and directors
of the companies respectively improving the
same, for the privilege of passing through the
same gates; and in case any such persons shall
not be able to agree with the president and
directors of such company upon the rate of
composition, the same shall be determined in
the manner provided by the said recited act
for ascertaining the value of any land that
may be included in any such road, except
that instead of a justice of the peace, a judge
of the common pleas shall appoint the app-
raisers or arbitrators in any such case.

CHAP. LXXXIII.

*An ACT to amend the act entitled "An act for
the relief of Nathan Dean and others."*

Passed 4th April, 1800.

WHEREAS in and by the act entitled Recital, stating
the case of Na-
than Dean and
others.
 "An act for the relief of Nathan Dean and others," the commissioners of the land-office were directed to grant letters patent to Nathan Dean and Squire Whitaker for six hundred acres of land, on their paying into the treasury the sum of six hundred dollars, to be applied in the manner directed by the said act. And whereas the said six hundred dollars was paid into the treasury on the ninth day of February last. And whereas after the said payment, and before any application to the commissioners of the land-office for letters patent, in pursuance of the said act, the said Nathan Dean died, by reason whereof no estate in the said six hundred acres of land ever

A. D. 1800.

vested in the said Nathan Dean, and the said letters patent have not been granted. And whereas subsequent to the death of the said Nathan Dean his estate in the said six hundred acres of land was sold on execution by the sheriff of the county of Tioga, which sale being void, and Lois Dean, the widow of the said Nathan Dean, representing the said sale to have been at an under value, and that the said Nathan Dean has left five infant children, and praying that the letters patent for the said Nathan Dean's share or part of the said six hundred acres of land may be directed to be granted to trustees to sell the same, and the proceeds to be applied for the equal payment of all the debts due and owing by the said Nathan Dean at the time of his decease, and the overplus money, if any there shall be, to be applied to the use, benefit and maintenance of his said infant children: Therefore,

Commissioners
of the land-of-
fice to grant
letters patent to
the persons, and
for the purposes
hereinmentio-
ned.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful to and for the commissioners of the land-office, and they are hereby directed to grant, in severalty, letters patent for such part of the said six hundred acres as shall appear to them the said Nathan Dean would have been entitled to in case he had been still living, to Joseph Gassiarie, Siluman Wattles and Peter Roggen, and their heirs and assigns forever, as joint tenants; and in case of the death of either or any of them before such letters patent shall issue, then to the survivors or survivor of them, the heirs or assigns of such survivors or survivor, in trust nevertheless, and to and for the several uses and purposes, and subject to the proviso and agreements in this act particularly specified; that is to say; in trust to sell and dispose of and convey all the said premises, together or

A. D. 1800.

by parcels, so to be granted to them as aforesaid, or such parts thereof as may be sufficient to discharge the debts herein afterwards provided for, to the best purchaser or purchasers that can reasonably be gotten for the same, at private or public sale, first advertising the said property for sale in two or more of the public newspapers printed in this state for the space of two months at least, and with the money arising or to arise by and from such sale or sales, to pay off and discharge all the just debts, whether by judgments, specialties or simple contract, due and owing by the said Nathan Dean at the time of his decease, or otherwise to make a distribution or division of the same among the said creditors of the said Nathan Dean, in equal proportion, according to their respective just demands, as far as the said purchase money will extend and amount unto, in which payments no preference shall be allowed to debts due on judgments or specialties, and the overplus, if any there be, after such payments as aforesaid, to be apportioned and divided equally among the respective children of the said Nathan Dean who shall then be living, and the respective portions of each of said children be paid to the guardian or guardians of such children respectively, if any such guardian or guardians there shall be, and if not, then the said respective portions or parts to be placed out at annual interest, on good real security, within this state, the principal sum to be payable at the time such children shall respectively attain the age of twenty-one years, and the interest therefor to be paid annually, and to be applied to the maintenance and education of the said children respectively, who shall be entitled to the principal sum so to be loaned as aforesaid.

A. D. 1809.

Sale of so much or sales of the said premises, or of such part of the said land as may be necessary to be sold for the purposes hereby intended, shall be made and concluded within two years from the time of passing this act, and that it shall and may be lawful to and for the said trustees, or the survivors or survivor of them to give a credit, if to him or them it shall seem fit, to the purchaser or purchasers, for two-thirds of the purchase money of the said sale, payable in two equal annual payments, with interest annually, to be secured by a bond or bonds of the purchasers or purchaser, together with a mortgage on the premises so to be sold.

Trustees to give notice to the creditors of said Nathan Dean.

And be it further enacted, That the said trustees, or the survivors or survivor of them shall, as soon as conveniently may be after the passing of this act, cause public notice to be given at least in two of the newspapers printed in this State, one whereof to be printed by the printer to this State, for six weeks successively, requiring all the creditors of the said Nathan Dean to present their respective accounts and demands within six months from the date of such advertisements, and that in default thereof the creditor or creditors so neglecting will be precluded from all benefit intended in and by this act; and in case any creditor or creditors shall neglect to present his, her or their account or demand according to such advertisements, he, she or they shall not be entitled thereafter to claim any part or dividend of the purchase money aforesaid in virtue of this act.

Claims presented to said trustees how to be audited.

And be it further enacted, That the aforesaid demands, accounts and claims so to be presented shall be presented to the said trustees, or the survivors or survivor of them, and by them or him audited or allowed, and

A. D. 1804

in case any controversy shall arise of and concerning the same, it shall and may be lawful for the said trustees, or the survivors or survivor of them, or the heirs of such survivor to have every such controversy determined in the manner following, that is to say, the said trustees, or the survivors or survivor of them shall nominate one person not interested in such controversy, and the other party in such controversy shall also nominate one indifferent person, which two persons shall choose a third person alike indifferent in the said controversy; and the said three persons so nominated and chosen shall be referees finally to settle such controversy, and the decision and determination of them or any two of them shall be conclusive of and concerning the premises.

And be it further enacted, That in case any part of the aforesaid premises so to be granted shall remain unsold after the payment of the said debts, then and in such case the said trustees, or the survivors or survivor of them and his heirs shall be deemed seized of such residuary part of the same as may be so unsold, to and for the use and benefit of the children of the said Nathan Dean, or the survivors or survivor of them, his, her or their heirs and assigns forever.

And be it further enacted, That it shall and may be lawful to and for the said trustees by this act named, and the survivors or survivor of them, out of the monies which shall come to his or their hands by virtue of this act in the first place to pay, retain and discharge all such charges and expences as they or either of them shall be put unto or in any wise sustain in execution of the trusts herein declared or contained, and also to retain at and after the rate of five per centum on the a-

If any of said
lands remain
unsold how to
be disposed of.

Duty and res-
ponsibility of
the trustees.

A. D. 1800.

mount of the said purchase money for his and their commissions and trouble in and about the execution of the said trusts; and that none of the said trustees, nor the executors or administrators of either of them shall be answerable or accountable for any sum or sums of money whatsoever but such as he or they shall respectively actually receive, and not one of them for the receipts, acts or defaults of another of them, but each of them for his own acts, receipts or wilful defaults only and not otherwise.

Trustees to be subject to the orders of the court of chancery.

And be it further enacted, That the said trustees, or the survivors or survivor of them shall be subject to such orders and directions for the more effectually putting this act in execution as shall from time to time be made and given by the court of chancery of this State.

Letters patent to be granted Squire Whitaker.

And be it further enacted, That it shall and may be lawful to and for the commissioners of the land-office to grant letters patent to the above named Squire Whitaker, his heirs and assigns in severalty for such part of the aforesaid six hundred acres as to them it shall appear he is entitled unto in virtue or pursuance of the act above mentioned.

CHAP. LXXXIV.

An ACT to amend an act entitled "An act to incorporate the Stockholders of the New-York Insurance Company.

Preamble, reciting a proviso in the act hereby amended.

Passed 4th April, 1800.

WHEREAS in and by the third section of the act entitled "An act to incorporate the stockholders of the New-York insurance company," it is provided, that if at any election of directors of the said company, a greater

A. D. 1800.

number than twelve, exclusive of the president, who served for the then preceding year, shall appear to be elected, then the election of such person or persons above the said number, and who shall have the fewest number of votes, shall be considered as void. And whereas the said restriction is detrimental to the interests of the Detrimental in its operation. said company, by removing from the direction thereof persons well qualified by their experience to accomplish the purposes of the said institution; Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the stockholders of the said company, at any election for directors thereof, to elect and choose as many of the directors of the preceding year as to the said stockholders shall seem proper, any thing in the above mentioned act to the contrary thereof in any wise notwithstanding.

Privilege to the
said stockholders
in electing
directors

CHAP. LXXXV.

An ACT to amend the act entitled "An act further to continue the Treasurer of this State in office," passed the fifteenth day of February, one thousand eight hundred.

Passed 4th April, 1800.

WHEREAS doubts are entertained whether the act entitled "An act further to continue the treasurer of this state in office," passed the fifteenth day of February last, authorized the oath of office to be administered to the treasurer, or the bond required for the faithful performance of his duties, to be taken after the first day of March last: Therefore,

Recital.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That

A. D. 1800. Robert M'Clallen, the treasurer of this state, shall, on or before the first day of May next, appear before one of the judges of the supreme court of this state and take the oath prescribed in the act entitled "An act to continue the treasurer of this state in office," passed the twenty-second of February, one thousand seven hundred and ninety-nine; and shall also, on or before the same first day of May next, give such bond as is required in and by the last mentioned act; the sureties in which bond shall be approved of by the president of the Senate and the speaker of the House of Assembly, which bond shall be lodged in the office of the Secretary of this state.

Effect of the
said bond.

Former one to
be given up.

And be it further enacted, That the bond so to be given shall have relation to, and be of the like effect as if the same had been executed on the first day of March last; and on the said bond being filed in the office of the Secretary of this state, the bond given by the said Robert M'Clallen on the thirteenth day of March last, shall be delivered up to him by the said Secretary to be cancelled.

CHAP. LXXXVI.

An ACT for laying a Road from Cherry-Valley to the Outlet of the Skaneateles Lake.

Passed 4th April, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, ^{Luther Rich & others appointed commissioners to lay out said road.} That Luther Rich, Samuel Clemons and Samuel Tyler shall be, and hereby are appointed commissioners for the purpose of laying a public road or highway from the town of Cherry-Valley, in the county of Otsego, to the outlet of the Skaneateles lake, in the town of Mar-

cellus, in the county of *Onandaga*, in a line as nearly straight as the ground will admit of; and that the said road, when so laid out as aforesaid, shall be considered as a public road or highway, and shall not be altered or removed by the commissioners of any town or county through which the same may be laid as aforesaid.

And be it further enacted, That where any part of the said road shall be laid out through any inclosed or improved lands, the owner or owners thereof shall be paid the value of the said lands so laid out into an highway, with such damages as he, she or they may sustain by reason thereof, which value and damages shall be settled and agreed upon by the said commissioners, or any two of them, and the parties interested therein, and if they cannot agree, then the value of the land and damages shall be appraised by two justices of the peace, on the oaths of twelve freeholders not interested in paying or receiving any part of such appraisement, otherwise than in paying their proportion of taxes for the contingent charges of the county, which freeholders shall be summoned by any constable not otherwise interested than as aforesaid, by virtue of a warrant to be issued by the said two justices of the peace for that purpose, and the whole value of the said lands so laid out into an highway, and damage, together with the costs of ascertaining the value of the said damages, shall be levied, collected and paid as the other contingent charges of the county in which the said land shall be situated, are levied, collected and paid.

And be it further enacted, That each of the said commissioners shall be entitled to receive for their services the sum of one dollar and fifty cents for every day they shall be respectively employed in the said business, to be paid

A. 1800.

Disagreement
as to damages
how to be set-
tled.

Compensation
to said commis-
sioners.

A. D. 1800. by the respective counties in which they shall be so employed, which sums shall be raised, levied and paid, together with and in the same manner as the necessary and contingent charges of such county are raised, levied and paid.

CHAP. LXXXVII.

An ACT to enable the Mayor, Aldermen and Commonalty of the City of New-York to purchase certain Houses and Lots of Ground which are in such a state as to endanger the health of the said City.

Passed 4th April, 1800.

WHEREAS the mayor, aldermen and commonalty of the city of New-York in common council convened, have, by petition under their common seal, represented to the Legislature that among the various other causes which probably tend to promote disease in the said city during the summer and autumnal seasons are the buildings erected in many parts of the said city upon lots of ground so short as to deprive such buildings of the free circulation of the air, and to compel the occupants of them to make the cellar or other parts thereof, receptacles of filth and dirt ; and that the buildings on each side of Moore-street, and on the west side of Broad-street, in the neighborhood of the Exchange-flip, in the first ward of the said city, and those between Front-street and South-street, on the west side of the Fly-Market and its flip, in the second ward thereof, are of the said description : Wherefore the said mayor, aldermen and commonalty, with a view to obviate the evil consequences that may arise from the said cause, are desirous to have it in

Preamble, re-citing the petition of the corporation of New York.

their power to purchase the said buildings and lots, and the lots of ground thereunto adjoining upon a fair valuation, if they are enabled to do so: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the said mayor, aldermen and commonalty in common council convened, to treat and agree with the respective owners of all and every of the said buildings, and the lots of ground thereunto belonging, and also of the lots adjoining to the said lots, and every other person or persons interested therein, for the purchase of the same buildings and lots, and every or any part thereof; and also if such person or persons, or any of them, shall not agree with the said mayor, aldermen and commonalty in manner aforesaid, or if no treaty shall be had for that purpose, then and in any such case, that it shall and may be lawful for the mayor or recorder, or any two or more of the aldermen of the said city, to issue a precept under their hands and seals, directed to the sheriff of the city and county of New-York, commanding him to empanel and return a jury of free-holders to appear at the then next court of common pleas, called the mayor's court of the said city, not less than fourteen days after the date of such precept, to enquire of and assess the just and true value of the said buildings, and the lots of ground thereunto belonging, and of the lots of ground adjoining to the said first mentioned lots, and every or any of them, and to notify such owners, either personally or by notice in writing, left at their usual place of abode, or upon the premises belonging to them respectively, at least ten days before the return of the said precept, to appear in the said court at the day and place in such pre-

A. D. 1800.
Said corporati-
on may pur-
chase certain
buildings & lots
in said city.
How to be val-
ued & paid for.

A. D. 1800.

cept specified ; and upon the return of such precept, duly served, the said jury, after being first sworn faithfully and impartially to execute the duty imposed upon them by this act, and having viewed the premises (if required by the said owners respectively, their agents or attorneys, or any of them) shall enquire of and assess the value of such buildings and lots of ground as may be then given them in charge, and every of them, and apportion such value among such owners according to their several and respective interests and estates therein ; and upon such assessment being made and returned to the said court, and upon payment of the sums so to be assessed as aforesaid, or tender and refusal thereof, the said mayor, aldermen and commonalty shall be deemed to be seized, and shall become feized in law, of an estate in fee simple, of and in all and singular the buildings and lots of ground, the value of which shall be so as aforesaid assessed and paid, or tendered to the respective owners thereof and by them refused, and thereupon the said mayor, aldermen and commonalty may regulate, divide and dispose of the said buildings and lots of ground, and every of them, as they think will best conduce to the health and welfare of the said city.

Said buildings &
lots how to be
disposed of.

CHAP. LXXXVIII.

An ACT for dividing the First Ward of the City of Albany.

Passed 4th April, 1800.

Preamble.

WHEREAS the first ward in the city of Albany is large and populous, and the mayor, aldermen and commonalty of the

said city, under their common seal, have A. D. 1800
prayed a division of the same: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the last Monday in September next the first ward of the said city of Albany shall be and is hereby divided by the following line, to wit, beginning on the north side of State-street at the south-west corner of the store now occupied by Messrs. Stewart and Townsend, and running from thence across said State-street to and through the middle of Green-street to the intersection of Bone-lane with said Green-street, from thence with a straight line to and through the middle of Frelinghuysen-street to the south bounds of the said city; and that the western part of the said ward be called and known by the name of the first ward of the city of Albany, and the eastern part by the name of the fourth ward of the said city.

1st ward divided
into two, to
be called 1st & 4th
wards.

And be it further enacted, That the freeholders and inhabitants of the said wards respectively shall be and hereby are empowered to hold elections and elect from each of the said wards two aldermen and two assistants, and such other officers as the other wards in the said city of right elect, and enjoy all such privileges as the freeholders and inhabitants of the other wards of right do.

Election for al-
dermen, &c.

CHAP. LXXXIX.

An ACT for raising a sum of Money by Tax to make alterations and repairs in the Gaol of the City and County of Albany, and for other purposes.

Passed 4th April, 1800.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly,

A. D. 1800. That it shall be lawful for the supervisors of the county of Albany, and they are hereby required, at their meeting on the last Tuesday in May next, to order such sum of money as they shall think necessary, not exceeding fifteen hundred dollars together with the charges of collecting the same, to be assessed, levied and collected on the freeholders and inhabitants of the city and county of Albany, pursuant to the directions of the "act for the assessment and collection of taxes," passed the first day of April, one thousand seven hundred and ninety-nine "for the purpose of making such alterations and repairs in the gaol of the city and county of Albany as the said supervisors, or any person to be appointed by them for superintending the work shall think requisite.

Treasurer to pay said money to the order of the supervisors. And be it further enacted, That the treasurer of the city and county of Albany shall, as soon as the monies arising from such tax shall come to his hands, pay the same to the order of the supervisors of said county or to such person as they shall appoint superintendent, and the superintendent shall account with the board of supervisors for the monies that may come to his hands whenever thereunto required.

A further sum of 500 dols. to be raised for roads & bridges. And be it further enacted, That it shall and may be lawful for the supervisors of the county of Albany, and they are hereby required, at their next annual meeting, to cause to be assessed, levied and collected in the said county, in the same manner as the necessary and contingent charges of the county are by law directed to be levied and collected, the sum of five hundred dollars over and above the sum annually to be raised for the use of roads and bridges, which said sum shall be paid by the collectors of the

respective towns into the hands of the treasurer of the city and county of Albany to be by him paid to Francis Nicoll, John Glen and Garret Witbeck, superintendants of highways for the county of Albany, or their order, for the purpose of being appropriated towards discharging the disbursements made by said superintendants in erecting and completing the bridge over the Norman's-kill near the city of Albany.

A. D. 1800.

CHAP. XC.

An ACT to avoid unnecessary delays of Executions, and to repeal the act therein mentioned.

Passed 4th April, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That no execution shall be stayed or delayed upon or by any writ of error, or supersedeas thereupon to be sued for the reversing of any judgment given or to be given in any personal action whatsoever, unless such person or persons in whose name or names such writ of error shall be brought with two sufficient sureties, or in the absence of such person or persons three sufficient sureties, such as the court wherein such judgment is or shall be given shall allow of, shall first, before such stay made or supersedeas awarded, be bound unto the party for whom any such judgment is or shall be given by recognizance to be acknowledged in the same court in double the sum adjudged to be recovered by the said former judgment, to prosecute the said writ of error with effect, and also to satisfy and pay, if the said judgment shall be affirmed, all and singular the debt, damages and costs

Form of proceedings on executions in certain cases.

A. D. 1800. adjudged or to be adjudged upon the former judgment, and all costs and damages to be awarded for the delay of execution.

And be it further enacted, That in writs of error brought upon any judgment in any writ of dower, or in any action of ejectment, no execution shall be thereupon or thereby stayed unless the plaintiff or plaintiffs in such writ of error, or in the absence of the plaintiff or plaintiffs, one sufficient surety shall be bound unto the plaintiff in such writ of dower or action of ejectment, in such reasonable sum as the courts, to which such writs of error shall be directed, shall think fit, with condition, that if the judgment shall be affirmed in the said writ of error, or if the said writ of error be discontinued in default of the plaintiff or plaintiffs therein, or if the said plaintiff or plaintiffs be non-suit in such writ of error, that then the said plaintiff or plaintiffs shall pay such costs, damages and sum or sums of money as shall be awarded upon or after such judgment affirmed, discontinued or non-suit. And to the end that the same sum and sums of money and damages may be ascertained, the court wherein such execution ought to be granted, upon such affirmation, discontinuance or non-suit, shall issue a writ to enquire, as well of the mesne profits as of the damages by any waste committed after the first judgment in dower or in ejectment, and upon the return thereof judgment shall be given, and execution awarded for such mesne profits and damages, and also for the costs of suit. *Provided always,* That this act, or any thing therein contained shall not extend to any writ of error to be brought by any executor or administrator, nor to any action popular, nor to any action upon any penal statute, nor to any indictment, present-

Prov. 2.

ment, inquisition, information or appeal. A. D. 1800.
Provided also, That nothing in this act contained shall extend to any suit or action wherein the people of this State are parties, or to any suit or action prosecuted or defended by the Attorney-General for or in behalf of the people of this State. Further provis.

And be it further enacted, That the act entitled "An act to avoid unnecessary delays of executions," passed the sixth of February, one thousand seven hundred and eighty-eight, be, and the same is hereby repealed. The act herein recited repealed.

CHAP. XCI.

An ACT authorizing the payment of a sum of Money due on a contract made by the Commissioners of Fortifications, and for other purposes.

Passed 4th April, 1800.

WHEREAS the commissioners appointed for erecting and repairing fortifications in the city of New-York, by the act entitled "An act authorising the erecting of fortifications within this state, passed March the twenty-sixth, one thousand seven hundred and ninety-four, have, in executing the duties required in and by the said act, expended the sum of six thousand five hundred and forty-six dollars and sixty-four cents more than the sum appropriated by the said act: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the Comptroller of this state shall, upon due proof of the expenditure of the said sum of six thousand five hundred and forty-six dollars and sixty-four cents, allow the same, and shall issue his warrant on the Treasurer of this state in favor of the commissioners aforesaid, for the

Preamble stating the sum expended by the commissioners to be 6546 dols. 46 cents more than was appropriated.

Comptroller on proof of such expenditure to issue his warrant for the amount.

A. D. 1800.

said sum, and the Treasurer is hereby directed to pay the same out of any monies in the treasury not otherwise appropriated.

To audit the ac-
count of John
McCLean.

And be it further enacted, That it shall and may be lawful for the Comptroller to examine and audit the account of John M'Clean for sundry expences incurred in collecting together and transporting artillery and military stores to the new arsenal in New-York, and for other services, and to draw his warrant on the Treasurer for the amount thereof, who is hereby directed to pay the same out of any money in the treasury not otherwise appropriated.

To draw his
warrant in fa-
vour of the
corporation of
New-York for
12368 dols.

And be it further enacted, That it shall be lawful for the Comptroller to draw his warrant on the Treasurer in favor of the mayor, aldermen and commonalty of the city of New-York for the sum of twelve thousand three hundred and sixty-eight dollars, being the amount remaining due and unpaid for services performed and materials found in pursuance of the act entitled "An act for the further defence of this state, and for other purposes," passed the twenty-seventh day of August, one thousand seven hundred and ninety-eight, and the Treasurer shall pay the same accordingly out of any monies in the treasury not otherwise appropriated.

CHAP. XCII.

An ACT for raising a further sum of Money to finish the Court House and Gaol in the county of Schoharie, and for other purposes.

Passed 4th April, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly,

That it shall be lawful for the supervisors of the several towns in the county of Schoharie, and they are hereby required to cause to be raised and levied on the freeholders and inhabitants of the said county, a further sum of one thousand five hundred dollars by a tax for compleating the court house and gaol in the said county, together with an additional sum of four cents on each dollar for collecting the same, and one cent on each dollar for the treasurers fees, to be levied, collected and paid in the same manner as the other necessary and contingent charges of the said county are by law directed to be levied, collected and paid.

And be it further enacted, That the said sum of one thousand five hundred dollars shall be collected and paid into the treasury of the said county on or before the first Tuesday of December next.

And be it further enacted, That it shall be lawful for the treasurer of the said county to Treasurers fees. retain in his hands the sum of one cent on each dollar he shall so receive, as a compensation for his trouble in receiving and paying over the said monies.

And be it further enacted, That it shall and may be lawful to and for the judges and assistant justices of the court of common pleas in and for the county of Schoharie, and for the justices of the courts of general sessions of the said county to adjourn the said courts to meet at the said court house whenever in the opinion of a major part of them it shall be in a fit condition to hold the said courts; and that it shall be the duty of the sheriff of the county of Albany to deliver over to the sheriff of the said county of Schoharie all prisoners in his custody belonging to the said county of Schoharie, whenever it shall be certified by the major part of the judges of the court of com-

A. D. 1803.

1500 dollars to
be raised by tax.

To be paid into
the county trea-
sury by 1st Tues-
day in Decem-
ber next.

Prisoners of
Schoharie in Al-
bany gaol to be
delivered to the
sheriff of Scho-
harie.

A. D. 1800.

mon pleas of the county of Schoharie that the gaol of the said county is in a fit condition for their confinement, and no such transfer of prisoners from the gaol of the county of Albany to the gaol of the county of Schoharie shall be deemed an escape.

CHAP. XCIII.

An ACT to amend an act, entitled "An act to regulate the Salting, Repacking and Inspection of Beef and Pork for Exportation."

Passed 4th April, 1800.

3 additional repackers to be appointed for New-York.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the person administering the government of this State for the time being, by and with the advice and consent of the Council of Appointment, to appoint three additional repackers and inspectors of beef and pork in and for the city and county of New-York.

Powers of the inspector general.

And be it further enacted, That the inspector general of provisions for the city and county of New-York shall be, and he is hereby authorised and empowered to supply such vacancies as may happen by the death, resignation or displacing of any repacker or inspector of beef and pork in the said city and county by temporary appointments, which shall continue in force until the pleasure of the council of appointment can be known; and it shall be the duty of the said inspector general to report all such cases to the person administering the government of this State as soon as may be.

And a certain duty.

And be it further enacted, That the inspector-general shall be, and he hereby is authorised,

by writing under his hand, and seal, to appoint a deputy to superintend the repackers and inspectors in case of sickness or necessary absence, and also to appoint in the same manner one or more persons for the special purpose of examining and tapping beef and pork as is directed in the act hereby amended, and to displace the same.

A. D. 1806.

May appoint a deputy.

And be it further enacted, That after the first day of September next all barrels and half barrels in which any beef or pork shall be repacked may be made with good seasoned white oak, rock oak or white ash staves and heading, and such pork barrels shall be of a capacity to contain not less than twenty-nine nor more than thirty-one gallons, and half barrels not less than fifteen nor more than sixteen gallons. *Provided,* That the said barrels and half barrels shall, in the opinion of the inspector-general, be every way strong and tight enough to prevent the pickle from leaking out. *And provided also,* That in all cases the heading and staves shall be of the same kind of stuff.

Proviso.

Further proviso.

And whereas doubts have arisen respecting the true construction of the proviso in the second section of the act hereby amended: Therefore,

Beef and pork repacked in certain counties may be exported from New-York without being again repacked.

Be it further enacted, That all beef and pork repacked agreeably to the said act in the counties of Suffolk, Kings and Queens, may be exported from New-York as well as from the said counties without again being repacked; and that nothing contained in the said act shall be considered as prohibiting any beef or pork put up in the said counties from being repacked in the city of New-York if the owner shall request it.

And be it further enacted, That the inspector-general shall have and receive, in addition

Recital.

A. D. 1800.

Additional compensation to the inspector general and repackers. to the compensation now allowed by law, for every barrel or half barrel of beef or pork which may be inspected or repacked by the inspectors or repackers of the city and county of New-York one cent, and for every barrel or half barrel of beef or pork, every time he may examine the same two cents.

And that the repackers in the city and county of New-York shall have and receive, in addition to the compensation now allowed by law, two cents for every whole barrel, and one cent for every half barrel of beef and pork which they shall inspect and repack, and the same additional compensation for flagging, nailing, pegging and pickling every barrel or half barrel of

No repacker to buy or sell any beef or pork except remnants. the same. And that no inspector or repacker of beef and pork shall hereafter, under any pretence whatever, buy or sell any beef or

pork excepting remnants which may be occasioned by the barrels overrunning or falling short of the weight required by law.

Persons guilty of fraud to pay a fine. And be it further enacted, That if any person so shall, at any time hereafter, intermix, take out or shift any beef or pork that

has already been repacked and branded, any person so taking out, intermixing and fraudulently shifting such beef or pork shall forfeit and pay for every such offence the sum of fifty dollars, and if any person shall fill up with beef or pork any barrel or half barrel from which beef or pork has been taken and which was branded as by law directed, and shall sell it or offer to sell it under the old brand shall forfeit the sum of fifty dollars for each barrel, and twenty-five dollars for each half barrel so filled up and sold or offered for sale.

Pork barreled how to be cut. And be it further enacted, That it shall be lawful for any person to cut the pieces of pork, which may be put up in barrels or half

barrels to be repacked, from the back-bone to the belly, provided the same shall not exceed twelve, nor be under four pounds weight.

A. D. 1800:

And be it further enacted, That it shall be the duty of the Secretary of this State to furnish the said inspector-general with the names of all persons who shall be appointed inspectors and repackers of beef and pork in any part of this State, and with the names of all inspectors and repackers who shall be displaced, immediately after the same shall be so appointed or displaced without fee or reward.

A duty of the Secretary.

And be it further enacted, That the penalties inflicted by this act shall be sued for and recovered in the same manner as directed in the act hereby amended.

Penalties how to be recovered.

And be it further enacted, That from and after the first day of September next no beef or pork shall be repacked in the city of New-York southward of a line beginning at the East-river, running up Catharine-street to Chatham-street, down Chatham-street to the public buildings, in front of said buildings to Broadway, down Broadway to Barclay-street, and down Barclay-street to the North-river.

Places for repacking beef & pork in New-York designated.

And be it further enacted, That after the first day of January next no beef or pork put up in this State shall be repacked unless the barrels or half barrels containing the same shall be branded on the bilge or side with the initial of the christian name and the surname at full length of the person making or causing such barrels or half barrels to be made, and it shall be the duty of the person making or causing to be made such barrels or half barrels to brand the same as aforesaid.

Barrels to be branded with the makers name.

And be it further enacted, That so much of the fifth section of the act hereby amended as requires that no beef shall be repacked or marked by the inspectors unless it shall have

5th section of the act hereby amended repealed.

A. D. 1860.

Regulation for
salting beef.

been put down in a sufficient quantity of dry salt, in which it shall have remained fourteen days or more, be and the same is hereby repealed, and that hereafter, instead thereof, all beef to be repacked and marked shall be put down in dry salt and pickle or dry salt until it shall be struck through with salt to the satisfaction of the inspectors.

A fourth quality of beef may be put up for exportation. And be it further enacted, That it shall and may be lawful to put up, and to export from this State, a fourth quality of beef to be denominated and marked heads, hearts and hocks, to consist of legs, necks, hearts and the meat of heads, and which fourth quality shall be subject to the like management and inspection as the other qualities of beef are by law made subject to.

Part of the act hereby amended repealed. And be it further enacted, That so much of the act, entitled "An act to regulate the salting, repacking and inspection of beef and pork for exportation," as comes within the purview of this act shall be and hereby is repealed.

Inspector-General to make an annual report to the Governor. And be it further enacted, That it shall be the duty of the inspector-general to make an annual report to the Governor, to be laid before the Legislature, in which report he shall point out whether any, and if any, what amendments are proper to be made in the laws relative to the repacking of beef and pork, and likewise what quantity of beef and pork has been repacked in the city of New-York in the year preceding such report.

A. D. 1800.

CHAP. XCIV.

An ACT to amend the act, entitled "An act concerning the Supreme Court.

Passed 4th April, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That hereafter the July term of the supreme court of judicature of this State shall commence and be held at the city of New-York, on the second Tuesday in July in every year, and that the said term shall continue and be holden from the time of its commencement every day, except Sunday, until and including Saturday in the next week.

The July term
to be held in N.
York, on the 2d
Tuesday in Ju-
ly.

And be it further enacted, That the justices of the said court may in their discretion continue the several and respective terms thereof one week beyond the period now fixed by law. Provided, That nothing in this section contained shall authorise the teste or return of process after the second week of the said respective terms.

Justices may ex-
tend the term 1
week.

And be it further enacted, That the next circuit court and courts of oyer and terminer and gaol delivery, in and for the county of Chenango shall, instead of the fourth Tuesday of May next, be holden on the last Monday of June next, any thing in any former law or appointment to the contrary notwithstanding.

Certain courts
in Chenango,
when to be held.

CHAP. XCV.

An ACT relative to the Courts of Common Pleas and General Sessions of the Peace in the County of Rensselaer.

Passed 4th April, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly,

A. D. 1809.

Courts, when to commence and how long to be held.

That the courts of common pleas now established by law to be holden in and for the county of Rensselaer, shall, after the passing of this act, be held and commence on the third Monday of May, the first Monday of October, and on the third Monday of February in each year, and may continue to be holden from each of the said days respectively until Tuesday in the next succeeding week inclusive, and not longer ; and that the courts of general sessions of the peace in and for the said county, shall, after the passing of this act, be holden on the said third Monday in February and first Monday of October in each year; and may continue until Tuesday in the next succeeding week inclusive, and not longer : *Provided always*, That the judges and assistant justices of the said courts respectively may adjourn the same on any day previous to the end of each of the said terms, if in their opinion it be expedient : *And provided also*, That the petit jury attending the said courts at any of the said terms shall in no case be required to attend the same longer than until Saturday in the week in which such terms shall commence.

Writs issued when returnable.

Of bail bonds.

And be it further enacted, That all writs to be issued out of the said court of common pleas before the said third Monday in May next, may be made returnable either on the said third Monday in May next, or on the second Tuesday in June next ; and in cases in which writs have been or shall be made returnable on the second Tuesday in June next, such writs shall be returned on the said third Monday in May next ; and all bail bonds whereby any persons shall have been let to bail shall be deemed and adjudged to require the appearance of the parties so let to bail on the said third Monday in May next, notwithstanding the same may be conditioned for the appearance of the

parties therein on the second Tuesday in June next; and all recognizances whereby any person or persons are bound and required to appear on the said second Tuesday in June next, shall be deemed and adjudged to require such person or persons to appear at the said general sessions of the peace on the said third Monday in May next, any law to the contrary notwithstanding.

A. D. 1800.

CHAP. XCVI.

An ACT to amend the act entitled "An act to divide the County of Onondaga."

Passed 4th April, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the judges and assistant justices of the court of common pleas of the county of Onondaga shall make return to all writs of error and habeas corpus to them directed, or to be directed, in any suits commenced in the said court before the fourth Tuesday of May in the year of our Lord one thousand seven hundred and ninety-nine, and the clerk of the county of Cayuga is hereby required to make out such transcripts of records and returns in such suits as the judges and assistant justices of the court of common pleas of the county of Onondaga shall from time to time direct, which transcripts and returns, when certified under the seal of the court of Onondaga, shall be of the like force and effect as if the act entitled "An act to divide the county of Onondaga," passed the eighth day of March, one thousand seven hundred and ninety-nine, had not been passed.

Duty of the
Judges respect-
ing the return
of certain writs.

Clerk's duty.

And be it further enacted, That the process in all suits on bail bonds taken in any action

A. D. 1800.

Of process in
suits on bail
bonds.

commenced as aforesaid shall be directed to such officer, and served in the same manner as if the act hereby amended had not been passed.

And be it further enacted, That the office Certain deeds & papers to be recorded in the clerk's office of Cayuga, altho' the lands to which they relate may be in Onondaga, shall be deemed and considered as the proper office for the recording of all deeds, instruments and papers now deposited in the same office, and of all deeds, instruments and papers bearing date prior to the eighth day of January in the year one thousand seven hundred and ninety-four, as by any law, usage or custom may be recorded, notwithstanding the lands to which such deeds, instruments and papers relate may be within the county of Onondaga.

And be it further enacted, That it shall and Privilege to the clerk of Onondaga to hold and exercise any additional office or appointment in like manner as the clerks of the respective counties in this State, as by law enabled to do any thing in any former law to the contrary notwithstanding.

CHAP. XCVII.

An ACT to amend an act, entitled "An act for the inspection of Flour and Meal."

Passed 4th April, 1800.

Penalty for false
taring casks. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the manufacturer or owner of any flour or meal put up in a cask or casks shall be, and hereby is made subject to a penalty of fifty cents for every pound each such cask is tared less than the true weight thereof; and any inspector of flour or meal having reason

to suspect such cask or casks to be falsely tare-
d, may ascertain the same by a suitable ex-
amination thereof,

A. D. 1800.

And be it further enacted, That it shall be lawful for any inspector of flour and meal to enter on board of any vessel between sunrise and sunset to search for flour or meal that he may have reason to suspect has been shipped contrary to the true intent and meaning of this act, or the act hereby amended; and if any person shall hinder or interrupt any such inspector in so entering on board and searching, every such person shall forfeit and pay one hundred dollars, to be recovered in any court having cognizance thereof, one half to the use of the overseers of the poor in the city or town where the offence may happen, and the other half to the person prosecuting for the same.

Inspectors may
search for flour
or meal shipped
contrary to law.

Penalty for hin-
dering such
search.

And be it further enacted, That for the more certain and easy recovery of the penalties for the false tare or brand mark upon any cask of flour or meal, it shall be lawful for the inspector thereof to seize and sell the same, and out of the nett proceeds retain such penalty or penalties, one half for his own use, and the other half to the overseers of the poor in the city or town where the same may be recovered, to the use of the poor thereof, and pay the remainder to the owner or consignee of such flour or meal.

Penalties, how
to be recovered.

CHAP. XCVIII.

An ACT repealing part of the fourth Section of the act, entitled "An act to reduce the laws concerning costs into one Statute."

Passed 4th April, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly,

A. D. 1800.

4th section of
the herein re-
cited act repeal-
ed.And a provi-
sional clause
Substituted.

Exception.

That so much of the fourth section of the act, entitled "An act to reduce the laws concerning costs into one statute," as exempts the plaintiff in certain causes from payment of costs on having caused an affidavit on oath to be made and filed before the commencing certain suits or actions, be and the same is hereby repealed; and hereafter if any action, bill, plaint, suit or cause, not concerning any freehold or inheritance, or title of land, nor for any assault, battery or imprisonment, nor for slander, nor for replevin or malicious prosecution, which have been or shall be brought or commenced in any of the courts of common pleas or mayor's courts in any of the cities or counties of this State, if the plaintiff shall not recover above the sum of ten pounds, then and in every such case the plaintiff shall not recover any costs of suit, but the court shall award that the plaintiff shall pay to the defendant, his, her or their costs to be taxed, except where the plaintiff prosecutes as executor or administrator.

Preamble.

Manner of pro-
ceeding where
the Chancellor
shall be a party
in a suit.

CHAP. XCIX.

An ACT to enable the Chancellor for the time being to sue and be sued in Chancery.

Passed 4th April, 1800.

WHEREAS no provision has been made whereby the chancellor, where he has equitable claims, or where such claims exist against him can sue or prosecute the same, or whereby the claims of others against him may be sued or prosecuted: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That in all such cases where the chancellor, for the

time being, shall be party to a suit in chancery either as complainant or defendant, that the bill be filed before the chief justice of the State for the time being, and prosecuted in the same manner as other bills in chancery are usually prosecuted; and the said chief justice, for the time being, is hereby authorized and empowered to hear and determine the said suits *agreably* to the rules, orders and practice of the court of chancery.

A. D. 1800.

CHAP. C.

An ACT requiring Sheriffs and Coroners to deliver to the party chargeable therewith a bill of fees prior to the commencing any action therefor.

Passed 4th April, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, Restrictions on all sheriffs and coroners who shall prosecute for fees. That no sheriff or coroner shall commence any suit or action for recovery of any fees until eight days after he shall have delivered to the party to be charged therewith or left for him or her at his or her dwelling house or last place of abode, a bill of such fees, charges and disbursements written in a common legible hand in the English tongue (except law terms and the names of writs, and in words at length, except times and sums, and such abbreviations as are commonly used in the English language) subscribed with the proper hand writing of such sheriff or coroner.

CHAP. C.

An ACT relating to the Oneida Tribe of Indians.

Passed 4th April, 1800.

WHEREAS it hath been represented to this Legislature by the petition of John

Preamble.

A. D. 1800. Doxtader and others, of the Oneida tribe of Indians, that that part of the said tribe of Indians living at Canasaraga, from their remote distance from the Oneida castle, receive no benefit of the money appropriated for the maintenance of a public school in the said tribe: For remedy whereof,

*Governor to
distribute cer-
tain monies a-
mong the Onei-
da villages for
the support of
schools.*

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the person administering the government of this State for the time being, to distribute the money intended in and by the third section of the act, entitled "An act for the better support of the Oneida Onondaga and Cayuga Indians," for the maintenance of public schools in the said Oneida tribe, in such manner as the several villages of the said Oneida tribe of Indians may have the benefit of part of the money so appropriated for the purpose of maintaining schools in the said villages as the said person administering the government of this State shall deem most conducive to the interest and benefit of the said several villages of the said Oneida tribe of Indians.

CHAP. CII.

An ACT to Establish a Turnpike Corporation in the County of Orange.

Passed 4th April, 1800.

*The persons
herein named
and their asso-
ciates, incorpo-
rated for the
purpose of mak-
ing a road.*

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That William Wickham, John Steward, James Everitt, James Carpenter, Thomas Waters, James W. Witkin, David M. Westcott, Anthony Dobbin, Jonathan Sweezy, John Wood, Solomon Smith and John Gale, jun. and all such persons as shall associate for the purpose

A. D. 1809.

of making a good and sufficient road from the house of Moses Cunningham, in the town of Cheesocks, in the said county of Orange, to the intersection of the road leading from Sterling iron works, near the house of Stephen Sloots, running in the present road as far as circumstances will admit, shall be and hereby are created and made a corporation and body politic, in fact and in name, by the name of

Style of the corporation and powers.

"The President, Directors and Company of the Orange Turnpike Road," and by that name they shall be capable in law to purchase, have, hold, enjoy and retain, to them and their respective successors, lands, tenements, hereditaments, goods, chattels and effects, of every kind whatsoever, and the same, or any part thereof, to sell, grant, demise, alien or dispose of, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in courts of record, or any other place whatsoever: *Provided however*, That the amount of the real estate which the said corporation are hereby authorized to purchase and hold, shall not exceed two thousand dollars: *And provided further*, That such estate so to be purchased and held, shall be necessary to fulfil the end and intent of the corporation hereby created and made, and to no other use, intent or purpose whatsoever.

Proviso.

Further provi.
fo.

And be it further enacted, That George D. Wickham, John Bradner, David Webb, Seth Marvin and Selah Strong, be, and they are hereby appointed commissioners to do and perform the several duties herein after mentioned, that is to say: they shall, on or before the first day of June next, procure five books, and in each of them enter as follows: "We whose names are hereunto subscribed, do, for ourselves and our legal representatives, promise to pay the president, directors and com-

Commissioners
named—to per-
form certain
duties.

A. D. 1800.

13 Directors to be elected.

Who shall chuse a President.

Proviso.

pany of the Orange turnpike road, the sum of twenty-five dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportion, and at such time and place as shall be determined by the said president, directors and company ;" one of which books shall be left with each of the said commissioners, at their respective places of abode, who shall keep the same open for the purpose of receiving subscriptions ; and every subscriber shall, at the time of subscribing, pay unto either of the said commissioners the sum of five dollars for each share so subscribed ; and the said commissioners shall, as soon as one hundred shares have been subscribed, cause an advertisement to be inserted in the public newspaper printed in the town of Goshen, giving at least twenty days notice of the time and place the said subscribers shall meet for the purpose of choosing thirteen directors, who shall be stockholders, for the purpose of managing the concerns of the said company for one year, and the day of choosing the said directors shall thereafter be the anniversary day of choosing directors ; and the said directors, elected by a plurality of the votes of the stockholders present, shall immediately proceed to the choice of one of their number for president ; and the said president and directors shall and may meet from time to time, and at such times and place as they may, by their bye-laws, rules, orders and regulations, not inconsistent with the constitution or laws of this state, or of the United States, deem necessary for the well ordering the affairs of the said corporation : *Provided*, That at the election of directors no person shall have more than twenty votes, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for

every share by him held under the said number. *A. D. 1800.*

And be it further enacted, That if at any meeting of the directors of any turnpike company or corporation, the president thereof shall not attend, then and in such case it shall and may be lawful for the directors of such corporation to appoint a president for the time being.

A president pro.
tem. may be
appointed by a
ny turnpike
corporation.

And be it further enacted, That the said president and directors may continue to receive subscriptions to the stock of the said corporation until there shall be two hundred and fifty shares subscribed; that they shall have power to appoint such officers, agents, clerks, artists, workmen and others, under them, as shall be necessary for executing the business of the said corporation.

250 shares may
be subscribed &
agents, &c. ap-
pointed.

And be it further enacted, That the said corporation, by the president and directors, or by any agents, superintendants, artists, or other persons employed by them, may enter into any land where they may deem it proper to construct said road, and to lay out, survey and labour on such routes or tracts as shall be most eligible for a good and sufficient road between the places aforesaid, and contract with the owner or owners for the purchase of so much thereof as may be necessary for making said road, and erecting and establishing gates, toll-houses, and all other works to the said road belonging; and in case of disagreement between the said parties respecting the damages to be done to said land, or if the owner or owners shall be feme coverts, insane, or under age, or out of the county, then it shall and may be lawful for the said president and directors to apply to one of the judges or assistant justices of the court of common pleas in and for the said county of Orange, not inter-

Powers of said
corporation in
laying out the
road.

A. D. 1800.

3 commissioners
to be appointed
to assess damages.

Oath to be taken by them.

ested in said road, who is hereby authorized and required to nominate, and by an instrument in writing, signed by him, to appoint three commissioners, being freeholders of the said county, and who shall not be inhabitants of any of the towns through which said road shall pass; and it shall be the duty of the said president and directors to cause a copy of such appointment to be served on each of said commissioners, who shall thereupon name a day for meeting on the said lands and performing the duties required of them by this act, and also to give notice to the owner or owners of such lands of the said appointment, and the day, being at least four days from the time of giving such notice, when and where the commissioners will meet for the purpose of examining the lands and assessing the damages (except in case the owner or owners shall labour under any of the disabilities aforesaid, or be absent, in either of which cases a copy may be left at the dwelling-house of the party (if any) or other notorious place on the land through which said road shall pass;) and further, each of said commissioners shall, before he proceeds to exercise the trusts reposed in him by this act, take and subscribe an oath before one of the justices of the peace in and for said county, that he will, without favor or partiality, estimate and assess the damages which may be sustained by the owner or owners of any lands or improvements which the said corporation may deem necessary for the said road, and the commissioners shall then proceed to view the *premises*, and having determined the damages, shall make an inquisition under their hands and seals, or the hands and seals of any two of them, stating the amount of damages, if any, which each or any of the owner or owners of any parcel of land

A. D. 1800.

used or to be used for said road, have sustained or shall sustain, which inquisition shall be acknowledged by the commissioners signing the same before one of the judges aforesaid, and filed, together with the affidavit aforesaid, in the office of the clerk of the said county of Orange, who shall, at the expence, costs and charges of the president and directors aforesaid, enter the same of record in the book kept by him for recording deeds, and the said corporation paying to the several owners of said lands the several sums awarded by such inquisition, shall have and hold, to them, their successors and assigns forever, the lands and tene- ments described therein; and the president and directors aforesaid shall pay to the judge who made the appointment of said commissioners, two dollars for his services, and to each of the said commissioners, for every day necessarily attending the duties required of them by this act, two dollars and fifty cents.

Compensation
to the Judge
who makes the
appointment &
to said commis-
sioners.

And be it further enacted, That it shall and may be lawful to and for the president, directors and company of the said corporation and their superintendants, artists, workmen and labourers, with carts, waggons and other carriages with their beasts of draft and burthen, and all necessary tools and implements, to enter upon the lands contiguous or near to the said road, first giving notice of such intention to the owners or occupants thereof, and doing as little damage thereto as possible, and repairing any breaches they make in the enclosures thereof, and making amends for any damage that may be sustained by the owners or occupants of such ground or improvements, by appraisement in manner herein after directed, and upon a reasonable agreement of the owners or occupants, if they can agree, or if they cannot agree, then upon an appraise-

Further powers
to the said cor-
poration and
their agents.

A. D. 1800.

ment to be made upon the oath of three, or if they disagree, any two indifferent freeholders to be mutually chosen, or if the owners or occupants neglect or refuse to join in the choice, to be appointed by any justice of the peace of the county, and on tender of the appraised value, to take any timber, stone, gravel, sand or earth, being most conveniently situated for making or repairing the said road and turnpike, and to use the same in carrying on the said work.

Dimensions and construction of said road.

And be it further enacted, That the said president, directors and company shall cause a road to be laid out at least four rods wide, sixteen feet at least of which shall be bedded with wood, stone, gravel or any other hard substance well compacted together a sufficient depth to secure a good and solid foundation to the same; and the said road shall be faced with gravel or stone pounded, or other small hard substance, in such manner as to secure a firm, and as near as the materials will admit, an even surface, rising towards the middle by a gradual arch; and they shall, during the continuance of this act, maintain and keep the same in good and perfect order.

Toll-gates may be erected on a licence being obtained for that purpose from the Governor.

And be it further enacted, That as soon as the said president, directors and company shall have perfected the said road for any distance from either end of said road, not less than five miles, and so from time to time any other like distance progressively, they shall give notice thereof to the governor of this state, who shall thereupon forthwith nominate and appoint three *skilful* and judicious persons to view the same and report to him in writing, whether the said road is so far executed in a masterly and workmanlike manner, according to the true intent and meaning of this act; and if their report be in the affirmative, then it

A. D. 1800.

shall be lawful for the governor, by licence under his hand and the privy seal of the state, to permit and suffer the said president, directors and company to erect and fix such and so many gates or turnpikes upon and across the said road as will be necessary and sufficient to collect the tolls and duties herein after granted to the said corporation from all persons travelling the same: *Provided always*, That there shall not be more than three gates in the whole distance of the road above mentioned.

Proviso.

And be it further enacted, That as soon as such road is perfected, or such part thereof as aforesaid, and the same being examined and licenced in manner aforesaid, it shall and may be lawful for the president, directors and company to appoint toll-gatherers to collect and receive from all and every person or persons using the said road, the tolls and duties herein after mentioned, that is to say, for any number of miles not less than ten, the following sums of money, and so in proportion for any greater or less distance, to wit: for every score of sheep, eight cents; for every score of hogs, ^{Rates of toll.} eight cents; for every score of cattle, eighteen cents; for every horse and rider, or led horse, five cents; for every sulkey, chair or chaise with one horse and two wheels, twelve cents and a half; for every chariot, coach, coachee or phaeton, twenty-five cents; for every stage-waggon, or other four wheeled carriage drawn by two horses, and for every cart drawn by two oxen, twelve cents and a half, and three cents for every additional horse; for every sleigh and sled, eight cents, if drawn by two oxen or two horses, and in the like proportion if drawn by a greater or lesser number of horses or oxen; and it shall be lawful for any of the said toll-gatherers to stop any person riding, leading or driving any of the herein

Toll-gatherers
<sup>may be appointed
ed.</sup>

A. D. 1806.

Prov. 5.

enumerated articles from passing through the said gates or turnpikes until they shall have respectively paid the toll, not exceeding the rates above specified: *Provided always*, That it shall and may be lawful for any person or persons residing within five miles of any of the gates or turnpikes to be erected on the said road, to compound by the year with the president and directors of the said corporation for the privilege of using the said road, and passing through the said gates or turnpikes; and in case any such person or persons shall not be able to agree with the said president and directors upon the rate of composition, the same shall be determined in the manner provided by the fifth section of this act for ascertaining the value of lands that may be included in such road, except that it shall not be necessary for the inquisition or award of the commissioners to be acknowledged and recorded.

Persons guilty
of evading the
payment of tolls
to pay a fine of
10 dollars.

And be it further enacted, That if any person who shall use the said road shall, with a view to evade the payment of the tolls required by this act, leave the said road and go round the said gates, every such person shall, for each such offence, forfeit and pay to and for the use of the president, directors and company aforesaid the sum of ten dollars, to be sued for in their names before any justice of the peace by action of debt to be recovered with costs of suit.

Toll-gatherers
guilty of delay-
ing or hinder-
ing persons, how
to be dealt with

And be it further enacted, That if any of the toll-gatherers shall unreasonably delay or hinder any passenger or traveller at any of the gates, or shall demand or require more toll than is by this act established, he shall for each and every offence forfeit and pay the sum of two dollars, to be recovered in manner and form aforesaid, with costs of suit, in

A. D. 1800.

the name and for the benefit of the party delayed, hindered or defrauded, besides all special damages accruing to the person so stopped or delayed.

And be it further enacted, That the shares in the said turnpike-road shall be taken, deemed and considered to be personal estate, and shall and may be transfereable, and all such transfers shall be made and inserted in the books of the said president, directors and company.

Shares to be
considered per-
sonal estate.

And be it further enacted, That the said corporation shall cause mile-stones to be placed on one side of the said road in its whole extent, whereon shall be marked in legible characters the respective number of miles from the place of commencing the said road, and also shall cause to be affixed up in a conspicuous place at each gate or turnpike a printed list of the rates of toll.

Mile-stones to
be erected and
lists of toll put
up.

And be it further enacted, That the said corporation shall cause to be kept a fair and just account of all monies received for toll on the said road, and shall make and declare a dividend of the clear profits and income (all contingent charges being first deducted) amongst all the stockholders of the stock of the said corporation, and shall, on the second Tuesday in January and July in every year, publish the half yearly dividend to be made of the said clear profits, and the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

Accounts to be
kept and half
yearly divi-
dends to be
made.

And be it further enacted, That the said corporation shall, within six months after the said road is compleated, lodge in the office of the Comptroller an exact account of the expences thereof, and the said corporation shall annually exhibit to the Comptroller a

Account of the
expence of said
road to be lodg-
ed in the Com-
ptroller's office.

A. D. 1800. true account of the dividends made and arising from the said toll with the annual disbursements on said road.

Duty of the
Comptroller in
the premises.

And be it further enacted, That the Comptroller shall and he is hereby required to report to the Legislature whenever it shall appear, from the accounts so to be exhibited to him, that the income arising from the said toll shall have fully compensated the said corporation for all monies they have expended in purchases, making, repairing, taking care of the said road, and for all other expenditures thereon, together with an interest of fourteen per cent. by the year. And thereupon the said corporation shall be dissolved, and the interest and property of the said road shall be vested in the people of this State. *Provided*, That if the said corporation shall not proceed to commence work on the said road within two years after passing this act, and shall not within five years thereafter *complete* the said road according to the intent and meaning of this act, then, and in either of these cases this act shall cease, be void and of no effect.

CHAP. CIII.

An ACT directing the Commissioners of the Land-Office respecting Land Warrants.

Passed 4th April, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the commissioners of the land-office from time to time to sell, in such manner and on such terms as they shall judge most advantageous to the State, all such land warrants of the

United States for bounty lands to soldiers as A. D. 1800.
have been or hereafter may be assigned to the
people of this State.

CHAP. CIV.

An ACT confirming certain Acts of Ebenezer Wood, Deputy-Sheriff of Rockland County.

Passed 4th April, 1800.

WHEREAS Ebenezer Wood, deputy-sheriff of Rockland county, continued to exercise his said office after the resignation of his principal, and before a successor had accepted and entered upon the said office, whereby it has become necessary for the Legislature to sanction his acts during the interval aforesaid: Therefore,

Preamble.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That all acts done by the said Ebenezer Wood, as deputy-sheriff during the period aforesaid, shall be as valid as if the same had been performed by a legal sheriff of the said county or by his lawful deputy.

*Acts done by E.
Wood, as depu-
ty sheriff of
Rockland made
valid.*

CHAP. CV.

An ACT to incorporate the Mohawk Turnpike and Bridge Company.

Passed 4th April, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That Benjamin Walker, Peter Smith, Gaylord Griswold, William Alexander, Charles Nukerk, John Beardsley, Jacob C. Cuyler, Abraham Outhout, James Murdock, Alexander Alexander, John C. Cuyler, and all such per-

*The persons
herein named
and their asso-
ciates incorpo-
rated for the
purpose of e-
recting the
bridge and road
herein descri-
bed.*

A. D. 1800. true account of the dividends made and arising from the said toll with the annual disbursements on said road.

Duty of the
Comptroller in
the premises.

And be it further enacted, That the Comptroller shall and he is hereby required to report to the Legislature whenever it shall appear, from the accounts so to be exhibited to him, that the income arising from the said toll shall have fully compensated the said corporation for all monies they have expended in purchases, making, repairing, taking care of the said road, and for all other expenditures thereon, together with an interest of fourteen per cent. by the year. And thereupon the said corporation shall be dissolved, and the interest and property of the said road shall be vested in the people of this State. *Provided,* That if the said corporation shall not proceed to commence work on the said road within two years after passing this act, and shall not within five years thereafter *complet* the said road according to the intent and meaning of this act, then, and in either of these cases this act shall cease, be void and of no effect.

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Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That all acts done by the said Ebenezer Wood, as deputy-sheriff during the period aforesaid, shall be as valid as if the same had been performed by a legal sheriff of the said county or by his lawful deputy.

Preamble.

Acts done by E. Wood, as deputy sheriff of Rockland made valid.

CHAP. CV.

An ACT to incorporate the Mohawk Turnpike and Bridge Company.

Passed 4th April, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That Benjamin Walker, Peter Smith, Gaylord Griswold, William Alexander, Charles Nuckerk, John Beardsley, Jacob C. Cuyler, Abraham Outhout, James Murdock, Alexander Alexander, John C. Cuyler, and all such persons herein named and their associates incorporated for the purpose of erecting the bridge and road herein described.

A. D. 1800. sons as shall associate for the purpose of erecting a substantial bridge across the Mohawk river, opposite the compact part of the city of Schenectady, and making a good and sufficient road from the said bridge to or near the house of William Klyne, in the town of Amsterdam, and from thence to Palatine church, in the county of Montgomery; thence through the village at the Little Falls to the court-house of the county of Herkimer, and from thence to the village of Utica, in the county of Oneida, shall be and hereby are created and made a corporation and body politic, in fact and in name, by the name of "The President, Directors and Company of the Mohawk Turnpike and Bridge Company;" and that by that name they shall be capable in law to purchase, have, hold, enjoy and retain to them and their respective successors, lands, tenements, hereditaments, goods, chattels and effects of every kind whatsoever, and the same, or any part thereof, to sell, grant, demise, alien or dispose of, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in courts of record, or any other place whatsoever: *Provided however,* That the amount of the real estate which the said corporation are hereby authorised to purchase and hold, shall not exceed ten thousand dollars.

Further proviso.

And provided further, That such estate so to be purchased and held shall be necessary to fulfil the end and intent of the corporation hereby created and made, and to no other use, intent or purpose whatsoever.

Commissioners appointed.

Their duties.

And be it further enacted, That Peter Smith, Gaylord Griswold, Charles Nukerk, Jacob C. Cuyler, James Murdock, John C. Cuyler, be, and they are hereby appointed commissioners to do and perform the several duties herein after mentioned, that is to say: they shall, on

A. D. 1800.

or before the first Tuesday in May next, procure six books, and in each of them enter as follows: "We whose names are hereunto subscribed, do, for ourselves and our legal representatives, promise to pay the president, directors and company of the Mohawk turnpike and bridge company, the sum of fifty dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportion, and at such time and place as shall be determined by the president and directors of said company; one of which books shall be left with each of the said commissioners at their respective places of abode, who shall keep the same open for the purpose of receiving subscriptions; and every subscriber shall, at the time of subscribing, pay unto either of the said commissioners the sum of five dollars for each share so subscribed; and the said commissioners shall, as soon as five hundred shares have been subscribed, cause an advertisement to be inserted in one of the public newspapers printed in the city of Albany, and in the newspapers printed at Johnstown and Utica, giving at least three weeks notice of the time and place the said subscribers shall meet for the purpose of choosing thirteen directors, who shall be stockholders, for the purpose of managing the concerns of the said company for one year; and the day of choosing the said directors shall, forever thereafter, be the anniversary day for choosing directors; and any seven of the said directors shall be a quorum, and capable of transacting the business of said corporation; and every act of a majority of said directors so met, shall be binding on the said corporation; and the said directors, elected by a plurality of the votes of the stockholders present, to be given upon the principles hereafter men-

Subscriptions to
be opened and
advertised.13 directors to
be chosen.

A. D. 1800. tioned, shall immediately proceed to the choice of one of their number for president; and the said president and directors may meet from time to time, at such time and place as they may find expedient and direct, and shall have power to make such bye-laws, rules, orders and regulations, not inconsistent with the constitution or laws of this state or of the United States, as shall be necessary for the well ordering the affairs of the said corporation: *Provided*, That no person shall have more than twenty-five votes, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share by him held under the said number.

2500 shares may be subscribed & agents, &c. appointed. And be it further enacted, That the said president and directors may continue to receive subscriptions to the stock of the said corporation; until there shall be two thousand five hundred shares subscribed, and shall have power to appoint such agents, clerks, workmen and others under them, as shall be necessary for executing the business of the said corporation.

Powers of said corporation. And be it further enacted, That the said corporation, by the president and directors, or by any agent, superintendant, artist, or other person employed in their service, may enter into any land, where they shall deem it proper to construct the said road, and to lay out and survey such routes or tracts as shall be most practicable for effecting a good and sufficient road between the places aforesaid; and the said president and directors may contract with the owners of the said land for the purchase of so much thereof as shall be necessary for the purpose of making the said road, and for erecting and establishing gates, toll-houses, and all other works to the said road belonging, and with their carriages, beasts, tools

and implements, to enter in and upon any land contiguous to the said road, and to carry away any timber, stones, gravel, sand or other earth, being more conveniently situated for making or repairing said road, and to use the same for carrying on said work, the said president and directors paying the owner or owners of the land so to be laid out as part of the road, the value of the land or of the materials aforesaid, as the case may be, together with such reasonable sum for damages, including all damages that may be occasioned from time to time by the erection and continuance of the said bridge, opposite to the said city of Schenectady, as may be agreed on; and in case of disagreement between the parties as to the said value or damages, the same shall be determined by an appraisement, to be made on oath of three, or if they disagree, of two indifferent freeholders, to be mutually chosen; or if the owners of the said land or materials refuse or neglect to join in the choice, to be appointed by any justice of the peace of the county in which the lands or property shall be, who may be applied to by the said directors for that purpose: *Provided* the said justice shall not be interested in the said dispute.

A. D. 1809.

Damages how
to be ascertain-
ed.

Proviso.

And be it further enacted, That the said president and directors shall cause the laid road to be laid out thirty feet wide between the ditches (when ditches shall be necessary) eighteen feet of which shall be bedded with wood, stone, gravel, or any other hard substance compacted together a sufficient depth to secure a solid foundation to the same; and the said road shall be faced with gravel or other hard substance in such manner as to secure, as near as the materials will admit, an even surface, rising towards the middle by a

Dimensions and
construction of
road & ditches.

A. D. 1800. gradual arch; and they shall, during the Said road to be continuance of this act, maintain and keep kept in good repair, the same in good repair, and every neglect to keep and preserve the same road in such repair, shall be taken, judged and deemed a misdemeanor in the president and individual directors for the time being of the said company.

And be it further enacted, That all bridges being on the said road, including the said part of said road bridges across the Mohawk-river at Schenectady and Utica, shall be considered as part of the said road, and shall be maintained and kept in repair by the said president, directors and company, during the continuance of this act.

Governor when
to grant a li-
cence for erect-
ing gates and
turnpikes.

And be it further enacted, That as soon as any part of the said road, not less than ten miles in any place or part thereof, shall be completed, it shall be lawful for the president, directors and company to give notice to the Governor of this State, who shall thereupon forthwith nominate and appoint two or three judicious persons to view the same, and report to him in writing whether such part of the said road is completed in a workmanlike manner, according to the true intent and meaning of this act; and if the report shall be in the affirmative, then it shall be lawful for the Governor, and it is hereby made his duty, by licence under his hand and the privy seal of this State, to permit the said president and directors to erect and fix so many gates and turnpikes upon and across said road, as will be necessary and sufficient to collect the duties and tolls hereinafter granted to the said corporation from all persons travelling on the same: *Provided*, That such gates and turnpikes (except the turnpike on the bridge hereinafter mentioned)

Prov. 8.

shall be erected at a distance not less than ten miles from each other. A. D. 1806

And be it further enacted, That as soon as the bridge at the city of Schenectady aforesaid shall be completed and finished, it shall be lawful for the president, directors and company to erect a gate and turnpike upon and across the said bridge, and to ask, demand and receive from all and every person and persons who shall pass over the same, the like tolls and duties as hereinafter granted to the said corporation for every ten miles of said road: *Provided always,* That the citizens of the said city of Schenectady shall be allowed to compound with the said president and directors by the year for passing the said bridge.

A gate & turnpike may be erected upon the bridge at Schenectady & toll demanded.

Proviso.

And be it further enacted, That as soon as the whole or any part of the said road shall be completed, and permission to erect a gate or gates as aforesaid be granted, the said president and directors may appoint toll-gatherers to collect and receive, of and from all person or persons using the said road and passing through any of the said gates, the tolls and duties hereinafter mentioned, and no more, that is to say, any number of miles not less than ten in length of said road, the following sums of money, and so in proportion for any greater or lesser distance, or for any greater or lesser number of sheep, hogs or cattle, as follows: for every score of sheep or hogs, eight cents; for every score of cattle, horses or mules, eighteen cents, and so in proportion for any greater or less number of sheep, hogs, cattle, horses or mules; for every horse and rider, or led horse, five cents; for every sulkey, chair or chaise with one horse, twelve and an half cents; for every cart drawn by one horse, six cents; for every

Toll-gatherers when to be appointed.

Rates of toll.

A. D. 1800.

chariot, coach, coachee or phæton, twenty-five cents; for every stage waggon or other four-wheel carriage drawn by two horses, mules or oxen, twelve and an half cents, and three cents for every additional horse, mule or ox; for every cart drawn by two oxen, six cents, and for every additional horse or ox two cents; for every sleigh or sled, six cents, if drawn by two horses or oxen, and in like proportion if drawn by a greater or lesser number of horses or oxen; and it shall be lawful for any of the toll-gatherers to stop any person riding, leading or driving any horse, cattle, sheep or hogs, sulkey, phæton, chair, chaise, cart, waggon, sleigh, or other carriage of burthen or pleasure, from passing through the gates or turnpikes, until they shall have respectively paid the toll as above specified: *Provided*, That nothing in this act shall be construed so as to entitle the said corporation to demand or receive toll of or from any person passing to or from public worship, or to or from his common business on his farm, or to or from any mill. *And*

Further proviso

provided further, That it shall not be lawful for the president and directors aforesaid, to demand or receive any toll of or from any person or persons traveling in sleighs or sleds in or upon said road, and passing or repassing through all or any or either of the said gates or turn-pikes, between the first day of January and the first day of March in each and every year.

Mile stones and
guide posts to be
erected.

And be it further enacted, That the said corporation shall cause mile-stones to be erected or placed, one for each and every mile of the said road on which they shall be permitted to place gates or turnpikes, and on each stone placed as aforesaid, shall be fairly and legibly marked the distance the said stone is from the

city of Schenectady, and shall also erect guide-posts at the intersection of all roads leading into and from the said turnpike, and to which posts boards shall be attached, on which shall be inscribed the name of the town in which the posts stand, and the name of the town or towns to which the road leads in the direction to which the hand-board points; and the said corporation shall also cause to be affixed to each gate or turnpike a printed list of the rates of toll which may be lawfully demanded.

A. D. 1800.

A printed list of rates toll to be affixed to each gate.

And be it further enacted, That if any person or persons shall break or throw down, or deface any of the mile-stones, guide-posts or boards, so erected, or shall cut, break down or destroy any of the gates or turnpikes which shall be erected in pursuance of this act, or shall forcibly pass the same without having paid the legal toll at such gate or turnpike, such person or persons shall forfeit and pay a fine not exceeding ten dollars, nor less than one dollar, to be recovered by the treasurer of the corporation, to their use, in an action of trespass; and if any person shall with his team, carriage or horse, turn out of said road to pass the said gates on ground adjacent thereto, and again enter on the said road with intent to avoid the toll due by virtue of this act, such person shall forfeit and pay treble the legal toll for any such person in passing through said gate, to be recovered by the treasurer of the said corporation, for the use thereof, in an action of debt.

And be it further enacted, That if any toll-gatherer shall unreasonably delay or hinder any traveller or passenger at any of the gates, or shall demand or receive more toll than is by this act established, he shall for every such offence forfeit and pay the sum of two dollars, to be prosecuted for and recovered be-

Persons injuring mile stones, posts, gates, &c. or evading the payment of toll how to be dealt with.

Toll-gatherers guilty of malpractice how to be dealt with.

A. D. 1800.

fore any justice of the peace in the county where such offence shall be committed, for the sole use of the person so unreasonably hindered or attempted to be defrauded.

And be it further enacted, That the shares in the said turnpike and bridge company shall be taken, deemed and considered to be personal estate, and shall and may be transferable; and the transfers of the said shares shall be made and entered on the books of the said president, directors and company.

Shares deemed personal estate and transferable

to be made

Accounts to be kept and half yearly dividends to be made.

And be it further enacted, That the president and directors of the said corporation shall keep a just and fair account of all monies received by the several collectors of toll on said road, and shall make and declare a dividend of the clear profits and income (all contingent costs and charges being first deducted) among all the stockholders of the said corporation, and shall publish half yearly the dividend to be made of the said clear profits among the stockholders, and of the times and places when and where the same will be paid, and shall cause the same to be paid accordingly.

Account of expences of erecting said bridges and road to be lodged with the Comptroller, & annual accounts to be exhibited to him.

And be it further enacted, That the said president and directors shall, within six months after said road and bridge shall be completed, lodge in the comptroller's office of this state an account of the expences thereof; and the corporation shall annually exhibit to the comptroller a true account or dividend of all the income arising from said toll, with the annual disbursements on said road and bridge.

When said corporation may be dissolved.

And be it further enacted, That the Legislature may dissolve the said corporation whenever the income arising from said toll shall have fully compensated the said corporation for all monies they may have expended in

A. D. 1800.

purchasing, making, repairing and taking care of said road and bridge together with an interest thereon of fourteen per centum per annum ; and thereupon the right, interest and property of said road and bridge shall be vested in the people of this state, and be and remain at their disposal : *Provided*, That if the said corporation shall not commence their operations on the said road and bridge within two years after the passing of this act, or shall not in six years afterwards complete the said road according to the true intent and meaning of this act, then and in either of these cases this act shall cease, be void and of no effect.

Provided,

And be it further enacted, That in case the inhabitants residing upon or contiguous to the great road leading from the village of Utica aforesaid to the town of Rome, in said county of Oneida, shall become stockholders in said company to a sufficient amount to improve the said road, as prescribed by this act, it shall and may be lawful for the said directors, should they deem proper, to extend the road contemplated to be improved by this act, from the said village of Utica to the dwelling-house of Daniel C. White, in Whitestown, and from thence to the house of Stephen White in Rome, or such part of the said distance as they may deem proper ; and in case of such extension as aforesaid the same line of road shall be improved and completed in the same manner in all respects as the same line of road from Schenectady to Utica is by this act directed to be improved and completed ; and the tolls on the said road so extended shall be at the same rate, in proportion to the distance, and collected in like manner as the tolls are herein before directed to be collected and paid on the said line of road from Schenectady to Utica.

In what case
said road may
be extended.

A. D. 1800.

CHAP. CVI.

An ACT for the Relief of William Feagan and Christian Hartwick.

Passed 4th April, 1800.

Commissioners
of the land-of-
fice to grant
them lands in
the military
tract.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the commissioners of the land-office, and they are hereby required to grant letters patent to William Feagan and Christian Hartwick respectively for the like quantity of unappropriated land in the tract set apart for the use of the line of this State serving in the army of the United States, and in the same manner as has been granted to non-commissioned officers and privates serving in the line of this State in the said army of the United States.

CHAP. CVII.

An ACT relative to the Collectors of Taxes.

Passed 4th April, 1800.

Treasurer of O-
neida authori-
sed to disconti-
nue proceedings
against J. Park-
hurst a delin-
quent collector.

Said treasurer
to make a re-
turn to the
Comptroller.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the treasurer of the county of Oneida, and he is hereby required, upon Jonathan Parkhurst (the collector of the town of Mexico in said county) executing and returning his warrants for the collection of the taxes of the said town, and paying over the monies collected by virtue thereof on or before the first day of May next, to discontinue all further proceedings against the said Jonathan Parkhurst for neglect in executing the said warrants, and the said treasurer shall thereupon without

delay make return in the premises to the ^{A. D. 1808.} Comptroller of this State.

And be it further enacted, That the Comptroller shall make such further allowance to the said Jonathan Parkhurst, in addition to his fees for executing the said warrants, as on account of the peculiar situation of the said town, and the enhanced trouble in collecting the taxes therein, with the losses sustained by him, the said Jonathan, by reason of the issuing of process against him by the said treasurer, may be just and reasonable, not exceeding sixty dollars, for which allowance the said Comptroller shall draw his warrant in favour of the said Jonathan upon the Treasurer of this State.

And be it further enacted, That the respective treasurers in the counties of this State shall be and are hereby authorised upon any collector of taxes in any county (against whom process for neglect in executing his warrants may have issued) executing and returning such warrant on or before the first day of May next, to discontinue such process upon the payment of the costs thereof by any such collector, and any such treasurer shall thereupon without delay make return in the premises to the Comptroller of this State.

And be it further enacted, That every collector in the city of New-York shall be allowed twelve weeks, after receiving an assessment roll of the State tax and warrant from the commissioners, to collect the monies therein mentioned, and pay the amount thereof to the treasurer or chamberlain of the said city, any law to the contrary notwithstanding.

Comptroller to
make a further
allowance to
said Parkhurst.

Treasurers of
other counties
authorised to
discontinue
process against
delinquent col-
lectors.

Such treasurers
to make return
to the Com-
ptroller.

A further time
allowed the col-
lectors in New-
York to collect
and pay.

A. D. 1800.

CHAP. CVIII.

An ACT to authorise the raising a sum of Money to build a Gaol in the County of Oneida.

Passed 7th April, 1800.

Preamble.

WHEREAS the supervisors of the county of Oneida, by their petition, have requested that the sum of three thousand dollars should be raised on the freeholders and inhabitants of the said county for building a gaol within the same: Therefore,

Supervisors may raise 3000 dol. by tax for building a gaol. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the supervisors of the county of Oneida, at their meeting in May next, be and they are hereby authorised and required to direct the sum of three thousand dollars, and the charges for laying and collecting the same, to be assessed, levied and collected on the freeholders and inhabitants of the said county in the manner directed by the act for the assessment and collection of taxes," passed the first day of April, one thousand seven hundred and ninety-nine, for the purpose of building a gaol in the said county. And the said supervisors are hereby authorised and required at their said meeting to appoint three commissioners, who, or any two of them, or in case of death the survivors or survivor of them shall cause the said gaol to be built, and superintend the erection thereof.

And appoint 3 commissioners to cause said gaol to be built.

Said money to be paid to the said commissioners.

And be it further enacted, That the treasurer of the said county shall pay over the money so to be collected as the same shall come into his hands to the commissioners so to be appointed, or to some or one of them, and the commissioners or commissioner who shall superintend the building the said goal, shall account with the board of supervisors for the expenditure of the said money when thereunto required.

And be it further enacted, That the said gaol when compleated shall be the gaol of the said county, and that as soon as the sheriff of the said county shall deem the gaol sufficiently finished for the safe keeping of the prisoners, it shall be lawful for the said sheriff, and he is hereby required to remove them to the said gaol, and such removal shall in no manner be construed an escape.

A. D. 1800.

Said gaol when completed to be the gaol of said county.

And the prisoners to be removed thereto.

And be it further enacted, That the court of common pleas of the said county shall be of to be appointed and they are hereby authorised at any time before the completion of the said gaol to appoint the liberties thereof according to the directions of the act, entitled "An act regulating the liberties of gaols."

Liberties there-
of to be appoint-
ed.

CHAP. CIX.

An ACT to authorise the building of Toll-bridges over Hudson's river.

Pased 7th April, 1800.

WHEREAS Warren Ferriss and others, by their petition to the Legislature, have prayed leave for the said Warren Ferriss to build a toll-bridge over Hudson's river at Glen's falls. And whereas such and other bridges over the said river, between the counties of Washington and Saratoga will be of great public utility: Therefore,

Preamble reciting the petition of Warren Ferriss and others.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the said Warren Ferriss, his executors, administrators or assigns, to build a toll-bridge over the said Hudson's river, at Glen's falls. And that it shall and may be lawful for Charles Baker, Caleb Baker, Lazel Bancroft and Thomas Rogers,

Said Ferris au-
thorised to build
a toll-bridge at
Glen's Falls.

A. D. 1800. jointly, and their executors, administrators and assigns, to build a toll bridge over Hudson's river, at Baker's falls, near Sandy-hill. Charles Baker and others to build a toll bridge at Baker's falls. And that it shall be lawful for Archibald

McNeil, Peter Demount, Richard Davis, John Carpenter, Ezekiel Ensign, Noah Pain, junior, Gerrit Peebles and Solomon Smith, jointly, and their executors, administrators and assigns, to build a toll-bridge over Hudson's river at any place between the ferry commonly called McNeal's ferry and the falls at Fort-Miller.

Proviso.

And Archibald McNeil & others to build a toll bridge near Fort Miller. *Provided always,* That the several bridges shall not be less than fifteen feet wide, with a strong railing on each side thereof, and shall be built in so substantial and workmanlike a manner as that laden carriages may safely travel thereover. And the said bridges shall be compleated on or before the first day of January, one thousand eight hundred and two, and if not so and then compleated the liberty hereby given to the person or persons authorised to build such bridges shall cease and determine.

And be it further enacted, That it shall be the duty of the person and persons authorised to give notice to the superintendents of highways of Washington and Saratoga to examine the said bridges. *as the same shall be severally compleated, to give notice thereof to the superintendents of highways for the counties of Washington and Saratoga, and it is hereby required of and enjoined on the said superintendents, within fifteen days after such notice, to meet at the bridge of which such notice of its completion shall have been given, and to examine the same, and if they, or a majority of such of them as shall meet shall deem the same to be properly constructed and compleated in manner aforesaid, then they, or such majority shall subscribe a certificate thereof, and de-*

liver the same to the person or persons au- A. D. 1800.
thorised to build such bridge.

And be it further enacted, That it shall and may be lawful for the said Warren Ferriss, his executors, administrators and assigns, from and after the receipt of such certificate as aforesaid to construct and erect a gate or turnpike at either end of such bridge, and adjacent thereto to erect a toll-house, and shall from thenceforth, and for and during the term of twenty-one years, to be computed from the first day of January last past, be and they are hereby authorized to take toll from every person crossing the said bridge, at the following rates, and no more, to wit: for Rates of toll.
a person and horse, eight cents; for every head of neat cattle, two cents; for every horse or mare and colt, two cents; for sheep and hogs at and after the rate of ten cents per score; for every carriage drawn by one horse, nine cents; for every carriage drawn by two horses or cattle, ten cents, and every additional horse or ox three cents.

Said Warren Ferriss on receipt of a certificate may erect a gate and receive toll for 21 years.

And be it further enacted, That it shall and may be lawful for the said Charles Baker, Caleb Baker, Lazel Bancroft and Thomas Rogers, and their executors, administrators and assigns, from and after the receipt of such certificate as aforesaid, to construct and erect a gate or turnpike at either end of the bridge to be by them built as aforesaid, and adjacent thereto to erect a toll-house, and shall thenceforth, and for and during the term of twenty-one years, to be computed from the first day of January last past, be and they, their executors, administrators and assigns, are hereby authorised to take toll from every person crossing the said bridge at the following rates and Rates of toll.
no more, to wit: for a person and horse, nine cents; for every head of neat cattle, three

Said Charles Baker and others on receipt of such certificate may erect a gate and receive toll for 21 years.

A. D. 1800.

cents; for every horse or mare and colt, four cents; for sheep and hogs, at and after the rate of twelve cents and an half per score; for every carriage drawn by one horse, ten cents; for every carriage drawn by two horses or cattle, twelve and an half cents; for every additional horse or ox, three cents.

Said Archibald
McNeil & oth-
ers on receipt of
such certificate
may erect a gate
and receive toll
for 21 years.

And be it further enacted, That it shall and may be lawful for the said Archibald McNeal, Peter Demunt, Richard Davis, John Carpenter, Ezekiel Ensign, Noah Paine, junior, Gerrit Peebles and Solomon Smith, their executors, administrators and assigns, from and after the receipt of such certificate as aforesaid, to construct and erect a gate or turnpike at either end of the bridge to be by them built as aforesaid, and adjacent thereto to erect a toll-house, and shall thenceforth, and for and during the term of twenty-one years, to be computed from the first day of January last past, be and they, their executors, administrators and assigns, are hereby authorised to take and collect the like toll as by this act is permitted to be taken at the bridge to be constructed at Baker's Falls near Sandy-Hill.

Provision in case
of either of said
bridges being
carried away or
injured.

And be it further enacted, That if at any time during the term aforesaid, either of the said bridges shall be carried away in whole or in part by floods or otherwise, or shall become so out of repair as in the opinion of the majority of the superintendents of the highways for either of the counties of Washington or Saratoga, passing thereon with carriages, shall be unsafe, then and in every such case the person or persons entitled to take toll at such bridge, shall rebuild or repair the same within twelve months from the time when the same was carried away, or deemed by the superintendents aforesaid to require repairs, and in default of such rebuilding or repairing with-

in the time last aforesaid, the remains of such unrepaired bridge, with the gate, turnpike and toll-house, shall revert to the people of this State, any thing in this act to the contrary hereof notwithstanding.

A. D. 1800.

And be it further enacted. That at the expiration of the said term of twenty-one years, each and every of the said bridges, with the gates, turnpikes and toll-houses, shall revert and vest in the people of this State and without any compensation to the builders thereof, or to their executors, administrators or assigns.

At the end of
21 years said
bridges, turn-
pikes, &c. shall
revert to the
State.

CHAP. CX.

An ACT for settling the Disputes and Controversies between the Persons claiming to be Proprietors of a Patent called Mawighnunk, and the Possessors of the Lands in the Town of Canaan.

Passed 7th April, 1800.

WHEREAS divers disputes and controversies have subsisted between the persons claiming a tract of land granted by patent to Stephen Bayard, Cornelius Van Schaaick, John Baptist Van Rensselaer, Johannes Van Dusen, Barent Vosburgh and Jacobus Van Rensselaer, dated the fourth day of August, 1743, commonly called and known by the name of the Mawighnunk patent, of the one part, and Elisha Gilbert, Eleazer Grant, John Darling, Moses Younglove, John King, Moses King, Elisha Gilbert, junior, Zenas Barker, Reuben King, Joseph Davis, Stephen Preston, Isaac Seward, Benjamin Clark, Ezra Gates, Asel King, junior, Elijah Gilbert, Josiah Patterson, junior, Caleb Jef-
sup, Edmund Beach, Josiah Patterson, Thode

Preamble reciting a disputed claim of Elisha Gilbert and others to lands in Columbia granted to Stephen Bayard and others.

A. D. 1800.

Norton, Benjamin Abbot, Asa Hubbard, David W. Patterson, Samuel Hand, John Tryon, Ephraim Patterson, Abram Seward, Joseph Cornwell, Peter Plumb, Samuel F. Jones, Job Winslow, Moses Allen, Jonathan Wheeler, Oliver Gates, Elisha Plumb, William Hunt, Daniel Sage, Buel Sacket, William Ramington, Thomas Ayers, Peleg Spencer, Nathan Hand, Eleazer Wells, John Tilden, Jacob Kemp, Nathaniel Rawson, Aaron Baldwin, Elijah Wilde, Amaziah Griswold, Ammi Doubleday, Silas Churchill, David Wells, Thody Abbot, Daniel Abbot and Samuel Jones, who are in possession of land in the town of Canaan, in the county of Columbia, of the other part, relative to the right and title to the said lands so possessed, and which are claimed by the said parties of the first part by virtue of said patent, except the one sixth part of said patent, granted to the said Stephen Bayard, forfeited by the attainder and conviction of Robert Bayard and William Bayard, and excepting also the one fiftieth part thereof, forfeited by the attainder and conviction of Isaac Van Derpool, which said forfeited shares, or most thereof, have been purchased of the people of this state by the said parties of the second part, or some of them. And whereas the said disputes and controversies cannot be finally determined without a number of law suits, attended with delay and expence to the parties. And whereas divers of the claimants under the said patent are infants, and others under coverture, by means whereof it is very difficult, if not impracticable, to have a determination of the disputes and controversies conclusive and binding upon all the parties interested without the aid of the Legislature. And whereas the agents and attorney's of the said parties have agreed

Further recital.

to unite in an application to the Legislature for an act appointing commissioners finally to determine the right and title of the said parties to the said land possessed by the said parties of the second part in the said town of Canaan, and claimed by the said parties of the first part, and all disputes and controversies relative to the same; and that Jesse Root, Esquire, of Hartford, Jonathan Sturges, Esquire, of Fairfield, Tappen Reeves, Esquire, of Litchfield, Hosea Moffit, Esquire, of Ste- phentown, and Jacob Ford, Esquire, of Hills- dale, be the commissioners for that purpose. And whereas the said agents have made such joint application by petition to the Legisla- ture, the prayer of which it appears reason- able to grant: Therefore,

A. D. 1800.

*Be it enacted by the People of the State of New-
York, represented in Senate and Assembly, That
the said Jesse Root, Jonathan Sturges, Tap-
pen Reeves, Hosea Moffit and Jacob Ford,
shall be, and hereby are appointed commis-
sioners to settle the said disputes and contro-
versies.*

5 Commissioners appointed to settle said dispute.

*And be it further enacted, That it shall and
may be lawful for the said commissioners to
hear and examine all disputes and contro-
versies between the said parties respecting the
title to the said lands, and all claims made to
the same, or any part thereof, by the said par-
ties, or any or either of them, and finally to
determine such disputes, controversies and
claims, according to law and equity, which
determination shall be absolutely binding and
conclusive, and shall, to all intents, construc-
tions and purposes whatsoever, absolutely
vest the right, title and interest of every part
of the said lands in such person or persons,
and for such estate or estates, and in such way*

Powers granted to said commissioners.

A. D. 1800.

Recital stating
doubts of said
possessors.

and manner as shall be named and specified
in such determination.

And whereas the said possessors wish to
avail themselves of a forfeiture said to have
been made of the said patent, and they have,
by their agents, suggested doubts whether the
said commissioners would have power under
the general authority hereby given them, to
enquire as to such forfeiture previous to an
inquest found in the name of the people of
this state, and a repeal and avoidance of said
patent thereupon, to obviate such doubts.
Therefore,

Privilege granted
to said pos-
sessors on the
hearing to be
had before said
commissioners.

Be it further enacted, That on the hearing
before the said commissioners, the said pos-
sessors shall be at liberty to urge that the said
patent has been forfeited by occasion of the
non-performance of the *provisos* and condi-
tions contained therein, or some of them; and
if it shall appear to the said commissioners
that the said *provisos* and conditions, or any
of them, have not in fact been complied with
according to the true intent and meaning
thereof, and if it shall also appear that an in-
quest might by law be found in the name of
the people of this state, on account of such
non-performance, and that under the exist-
ing circumstances of the case judgment of
forfeiture ought by law to be rendered there-
upon, so that the patent ought to be repeal-
ed and void, then the said commissioners shall
and may determine upon the whole matter as
between the parties in like manner as if such
fact as aforesaid had been found by inquest
made on this day, and as if such judgment
was rendered as aforesaid, and said patent
repealed.

Further powers
of said commis-
sioners.

And be it further enacted, That the said com-
missioners, or one or more of them, shall be
and hereby are authorised to summon, and or-

A. D. 1800.

der any person or persons within this State, to appear before the said commissioners to be examined, and give evidence touching the matters in controversy, and also to bring with them all such deeds, books, papers, records or other written evidence as may be required in an ordinary course of law by *subpoena duces tecum*. And that if any person summoned by writing, subscribed by the said commissioners, or any or either of them to appear and testify, or to produce any written evidence, and having reasonable time allowed him for that purpose, and being paid, or having tendered to him a reasonable compensation for his expences of attendance and for his loss of time, shall neglect, refuse or delay to give such attendance, or to bring such written evidence as aforesaid, such person shall forfeit for every such refusal, neglect or delay the sum of two hundred and fifty dollars, to be recovered in any court of record having cognizance thereof, by action of debt, by and in the name of the person at whose instance he was summoned.

And be it further enacted, That the said commissioners shall have power to administer an oath or affirmation to the witnesses to be examined before them to declare the truth, touching the matters in question. And if any person so to be examined shall knowingly give false evidence on such examination, and shall thereof be convicted, such witness shall for such offence suffer the pains and penalties inflicted by law for wilful and corrupt perjury. *Provided* that no person shall be compelled to give any evidence other than such as he would be bound to give upon a trial at common law.

And be it further enacted, That the said commissioners, at the instance and request of any one of the said parties, may proceed to exa-

Commissioners
may examine
any of the par-
ties on oath.

A. D. 1800.

mine any other of the said parties on oath, as to the matters in dispute or controversy; but that the person so to be examined, shall be bound to answer such questions only as could or ought to have been put to him in a course of equity, if a bill had been filed by the person or persons requiring such examination; and that every person who shall be requested by the said commissioners to submit to such examination, and who shall neglect or refuse so to do, or who shall, on such examination, answer falsely and corruptly, shall be liable to the pains and penalties as is herein before provided in the case of witnesses.

*Certain duties
of said commis-
sioners.*

And be it further enacted, That if the said commissioners shall determine the said lands, or any part thereof, to be within the bounds of the patent of Mawighnunk aforesaid, and the title of the same to be in the persons claiming under the said patent, then the said commissioners shall view the lands or so much thereof as they shall determine to be within the bounds of the said patent and to belong to the proprietors thereof, and shall cause a survey to be made of the same, and of the parcels claimed by every person whose possession shall fall within such determination. And also, that the said commissioners, after such view and survey, and after taking all relative circumstances into consideration, and after hearing the proofs and allegations of the parties, if any be offered, shall award and determine what shall be paid by the possessor to the proprietors for the same. *Provided always,* and it is further enacted, That the said commissioners shall estimate the value of the said lands so found to be in possession of the possessor as aforesaid, and included within the true bounds of the said patent, and shall also estimate the average price per acre of the lands

Proviso.

of the possessors in general; and that out of the sum with which they shall find the possessor chargeable, they shall deduct the value of the number of acres at the said average price which he or she may hold of the forfeited shares above mentioned, and the balance so remaining shall be the true sum to be paid by the possessor to the proprietors.

And be it further enacted, That the monies so awarded shall be paid with the interest in six equal installments yearly from the time of the said award, to such of the proprietors of the said patent as shall be nominated by the said commissioners to receive the same; and that upon the payment of the amount of the monies payable by the possessor to the proprietors, the possessor shall hold and be seized, and be deemed to hold and be seized of an estate in fee simple in the said land so possessed by him as aforesaid, and the right and title of all persons claiming under the said patent to be extinguished; but if it shall so happen that the said monies shall remain due and unpaid in whole or in part at the end of six years from the time of the award, then the proprietor or proprietors, or his or their agent may proceed to a sale of the land of the delinquent possessor, or any part thereof at publick auction, in the manner and after the notice usual in cases of mortgages with clause for sale; and such sale shall be a bar both in law and equity to the possessor; and all who shall claim by, from or under him or them. *Provided nevertheless,* That if in such sale more money shall be made than is sufficient to satisfy the sum due with reasonable costs, the sum so remaining shall be paid to the possessor or delinquent.

And be it further enacted, That the said commissioners shall audit all accounts and expen-

A. D. 1800.

Monies awarded
to be paid in 6
yearly install-
ments.

Provision in case
of non-payment

AN D^o 1800.

Accounts and
expences arising
in the premises
how to be ap-
portioned and
collected.

ces and costs and charges which shall arise for or by reason of any matter or thing respecting the trust or power herein before specified, one moiety whereof shall be borne and paid by the proprietors, and the other by the possessors, and shall adjudge and determine the particular sum with which each possessor shall be chargeable, of which they shall give a certificate under their hands and seals; and the same adjudication and certificate shall be final and conclusive, and create the same lien on the property of the person named therein as a judgment at law; and that if payment of the sum so assessed shall not be made within thirty days after the adjudication made and certificate given, it shall and may be lawful for the said commissioners, by writing under their hands and seals, to direct the sheriff of any county in this State to cause the sum assessed with the costs of collection to be made of the goods and chattels, lands and tenements of the person liable to the same payment, which money shall when collected be paid to the said commissioners, or any or either of them; and if any money shall remain after settling the sum to be made, with the costs of collections, such surplus shall be paid to the party on demand.

Determinations
under this act
to be made with
in 1 year, & to
be entered in a
book and lodged
in the Secretary's
office.

And be it further enacted, That all determinations to be made by virtue of this act shall be made within one year from the passing thereof; and that the commissioners shall, from time to time, enter their determinations in a book to be kept by them for that purpose, and after signing and sealing the same, such book shall be lodged in the office of the Secretary of this state, there to remain of record.

A majority of
said commissioners
authorized to act.

And be it further enacted, That all and singular the trusts, powers and authorities hereby granted to the said commissioners shall and

may be executed by the major part, or the ^{A. D. 1800.} survivors, or the major part of the survivors.

And be it further enacted, That nothing in this act shall be construed or taken so as to prevent any agreement concerning the matters in dispute between the proprietors of the said patent, or their agents, on the one part, and the said possessors, or any or either of them, or their agents, on the other part, but that all agreements so to be made shall be valid and conclude, as well the parties to such agreements as all persons who may hereafter claim, by, from or under the said patent, or by, from, or under the said parties, or any or either of them, notwithstanding their infancy or coverture, or the infancy or coverture of any or either of them.

The powers and authorities granted by this act how to be construed.

CHAP. CXI.

An ACT relating to the Commissioners of Taxes in the County of Tioga.

Passed 7th April, 1800.

Meetings of the commissioners when and where to be held.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act it shall be the duty of the commissioners of taxes for the county of Tioga for the time being to hold their respective meetings yearly, on the third Tuesday in July and October in every year, at the village of Owego, in the town of Tioga, at the house of Luke Bates, any law to the contrary notwithstanding.

CHAP. CXII.

An ACT relative to Oxford Academy.

Passed 7th April, 1800.

WHEREAS by the report of the Regents of the University of this state it ap-

A. D. 1800. It appears that Oxford academy has been accidentally consumed by fire, and that in their opinion legislative aid would be proper for the purpose of re-building said academy: Therefore,

Trustees to select one of the military lots reserved for promoting literature, and commissioners of the land-office to grant letters patent therefor.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the trustees of said academy, on or before the first day of November next, to make their election by writing under their hands and seals, of one of the lots reserved for promoting literature in this state, and to file such election in the office of the Secretary of this state; and it shall be the duty of the commissioners of the land-office thereupon to direct letters patent to be prepared and granted to the said trustees and their successors for the lot of land so to be elected: Provided however, That such lot shall not be otherwise specially appropriated, and that the monies to be derived from the sale thereof, in case the same shall be sold, shall be disposed of for the benefit of the said academy.

CHAP. CXIII.

An ACT further to amend an act entitled "An act to regulate Buildings in certain limits of the City of Albany.

Passed 7th April, 1800.

BEHOLDEN by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful to build and erect dwelling-houses, constructed either in the whole or in part of wood, in any part of the city of Albany, if the same shall not exceed the following dimensions, that is to say: thirty feet in depth from the range of the

Buildings of wood of certain dimensions may be erected.

A. D. 1800.

street on which such dwelling-house shall adjoin, twenty feet in height from the surface of the stone wall which incloses the cellar, which stone wall shall not exceed two feet above the surface of the street adjoining the said dwelling-house, to the upper part of the wall plate thereof, and the roof whereof shall not be of an elevation exceeding five inches on every foot, measured horizontally between the exterior point of the rafters thereof.

And be it further enacted, That the act entitled "An act to regulate buildings within certain limits of the city of Albany," and the act entitled "An act to amend an act entitled "an act to regulate buildings within certain limits of the city of Albany," shall not be construed to extend to such parts of the said city as are not comprehended within the following limits, to wit: beginning at the east end of Kilby-lane, and running thence through the middle of said lane to Cow-lane; thence through the middle of Cow-lane to Hudson-street; thence along the south side of Hudson-street to the west side of Washington-street; thence along the west side of the last mentioned street to Nail-street; then through Nail-street to the west side of Lodge-street; then along the west side of Lodge-street to Oak-street; then along the south side of Oak-street to the west side of Pearl-street; and then along the west side of Pearl-street to the north bounds of the city; then along the said north bounds to Hudson river; then down the said river to a point opposite to the east end of Kilby-lane, and from thence to the place of begining, any thing in the above recited acts to the contrary notwithstanding.

And be it further enacted, That it shall be lawful to build and erect stables, and other out houses, in any part of the said city; Pro-

Certain acts respecting buildings how to be construed.

Stables and out-houses may be erected of certain dimensions.

A. D. 1800.

vided, That such stables shall not exceed eleven feet in height from the common surface of the earth to the top of the plates, and fourteen feet in the square. *And provided further,* That the said out-houses shall not exceed eight feet in height from the common surface of the earth to the top of the plates, and eight feet in the square.

CHAP. CXIV.

An ACT for raising a Sum of Money for building a Gaol in the County of Ontario.

Passed 7th April, 1800.

Preamble

Supervisors
may raise by tax
3000 dollars to
complete the
gaol in said
county.

WHEREAS the supervisors of the county of Ontario have petitioned the Legislature for a further sum of money to complete the building of a gaol in the said county: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful to and for the supervisors of the county of Ontario to raise by tax in the said county the sum of three thousand dollars, to complete the building of a gaol in the said county, which said sum of money shall be raised, levied and collected in the same manner as the other necessary and contingent charges of the said county are levied and collected.

Any unappropriated monies
in the county
Treasury may
be applied to
the purpose aforesaid.

And be it further enacted, That if there shall be in the treasury of the said county any unappropriated monies arising from former taxes on the same, that it shall and may be lawful to and for the said supervisors to lay out and expend the said monies in building the said gaol, and that the residue of the said three thousand dollars only be raised by the tax aforesaid.

A. D. 1800.

CHAP. CXV.

An ACT for the relief of the Oneida, Stockbridge, Brothertown and Shinnecock Indians.

Passed 7th April, 1800.

WHEREAS the Oneida and Stockbridge Indians, and a number of the white inhabitants of the county of Oneida, by their petitions presented to the Legislature, have prayed for an effectual prohibition by law to the evil practice of selling strong or spirituous liquor to Indians, which is destructive to the health, morals and civilization of other Indian tribes as well as their own: Therefore,

Preamble reciting certain petitions.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That if any person or persons whomsoever, after the first day of July next, shall sell to any Indian belonging to the Oneida, Stockbridge or Brothertown tribe, any rum, brandy, gin, or other ardent spirits, within the counties of Oneida and Chenango, shall forfeit the sum of five dollars, to be recovered in an action of debt, with costs of suit, in any court having cognizance of the same; the one half of which forfeiture, when recovered, shall be paid to the prosecutor, and the other half to the overseers of the poor of the town where such recovery may be had, for the use of the poor of such town.

Persons selling ardent spirits to Indians to forfeit 5 dol.

And be it further enacted, That the selling or procuring of any rum, brandy, gin, or other ardent spirits, to or for any Indian belonging to the said tribes, for and on behalf of the Oneida tribe of Indians, or supplying them therewith, shall, after the said first day of July, be deemed an offence against the people of this state, and the person so offending shall be indicted by the grand jury, and fined at the discretion of the court, not exceeding twenty

A sum of
1000000
and 10000
to be paid
to the poor
of the town
where such
recovery
may be had.

And subject to
indictment.

Q

A. D. 1800.

Proviso.

dollars for any one offence: *Provided*, That such recovery as aforesaid for the said penalty against any person shall bar any further proceedings for the same offence.

Penalties for re-
taining pawns
from Indians
for spirituous li-
quor.

And be it further enacted, That no pawn taken of any Indian for any spirituous liquor shall be retained by the person to whom such pawn shall be delivered, but the thing so pawned may be sued for and recovered, with costs of suit, by the Indian who may have deposited the same, before any court having cognizance of the same, with costs to the plaintiff thereupon to be adjudged.

No ardent spir-
its to be sold
within certain
limits, under a
penalty of 20
dols.

And be it further enacted, That no person shall sell any rum, brandy, gin, or other ardent spirits, within the limits of the tract of land owned by the Muheconnuck or Stockbridge Indians, or within the reservation lands of the Oneida or Brothertown tribe of Indians within this state, under a penalty of twenty dollars, to be recovered in manner aforesaid, the one half of which forfeiture, when recovered, shall be paid to the prosecutor, and the other half to the Assistant Attorney-General of the district in which the said tribes of Indians reside, to be by him paid into the Treasury of this state for the use of the tribe of Indians where such offence shall happen.

Duty of the As-
sistant-Attorney
General of the
district in which
the Stockbridge
Indians reside.

And be it further enacted, That it shall be the duty of the Assistant Attorney-General of the district in which the Stockbridge tribe of Indians reside, to do and perform every duty, matter and thing, for and on behalf of the said Stockbridge tribe of Indians, which by the act entitled "An act relative to the Oneida Indians," passed the fifteenth day of March, one thousand seven hundred and ninety-nine, he is directed and required to do and perform for and on behalf of the said tribe of Indians.

And be it further enacted, That it shall be A. D. 1800.
Duty of the
clerks of certain
counties.
the duty of the clerks of the several courts of general sessions of the peace in the respective counties in which any of the said tribes of Indians reside, for three successive terms immediately after the opening of their respective courts of general sessions of the peace, to read this act with an audible voice.

And be it further enacted, That it shall and A privilege
granted to the
Shinnecock In-
dians.
may be lawful for the trustees of the Shinnecock tribe of Indians in Suffolk county, by and with the consent of the three justices of the peace, mentioned in the act entitled "An act for the benefit of the Shinnecock tribe of Indians residing in Suffolk county," from time to time, to order and direct on what part of the land belonging to the said Shinnecock tribe, fire wood or timber may be cut by them for their own use; and if any person belonging to the said tribe without such order and consent of the said trustees and justices, shall cut any wood or timber, such person shall forfeit and pay the sum of ten dollars for each offence, to the said justices, to be sued for and recovered by them, with costs of suit, for the use of the said Shinnecock tribe.

CHAP. CXVI.

An ACT for the Relief of Solomon Simson and Henry Remsen.

Passed 7th April, 1800.

WHÈREAS Solomon Simson and Henry Remsen have, by their petition, presented to the Legislature that they have a claim to all the mines and minerals in the former manor of Philipsburgh (iron ore excepted) derived under a lease to Richard Preamble stat-
ing that Solo-
mon Simson &
Henry Remsen
claim a right to
certain mines &
minerals deriv-
ed under a lease.

A. D. 1800. Maitland, Thomas James, William Sheriff, Charles McEvers, Sampson Simpson and Henry Remsen, for twenty-one years, and renewable from Frederick Philipse, who had obtained a patent for the same for the term of ninety-nine years from the King of Great-Britain. And whereas by the attainder of the said Frederick Philipse his interest in such mines and minerals as were so granted to him became forfeited to the people of this State; and the said petitioners have prayed, for the reasons set forth in their said petition, that the Legislature would grant to them the right of working the said mines, and it being equitable to grant the prayer of the said petition under the restrictions herein mentioned: Therefore,

The privileges
derived to them
under said lease
confirmed, on
certain condi-
tions.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the said Solomon Simson and Henry Remsen, or their legal representatives, shall and may have, hold and enjoy to their use, and as trustees for such other persons, citizens of the United States, and either original lessees named in the said lease, or their legal representatives, according to what would have been the several shares or interests of such other persons respectively therein, if the said lease had been still subsisting, who shall, on or before the first day of January next, if of full age, by themselves or attorneys, or if under age by their guardians, by writing to be delivered to the said Solomon Simson and Henry Remsen, the said petitioners, or one of them, declare their acceptance of the trust hereby created for them all mines and minerals (iron ores excepted) that have been or may be discovered in that part of the county of Westchester formerly denominated the manor of Philipburgh, for and during the

A. D. 1800.

Proviso.

term of seventy years, and work and continue in the possession thereof for the said term, upon condition that they shall annually pay into the Treasury of the State one twentieth dish or part of the net proceeds of the said mines or minerals. *Provided*, That if they do not render to the Comptroller annually an account, on oath, of the net proceeds of all the profits, and do deliver the said twentieth part thereof to the Treasurer of this State, then this act shall determine, and be thenceforth null and void. *And provided further*, That the said Solomon Simson and Henry Remsen, the said petitioners, shall, on or before the first day of June next, cause this act to be published in two of the newspapers in the city of New-York, and the publication to be continued for six weeks successively thereafter. *Provided always*, That nothing in this act contained shall be construed to give a right to dig or break up the soil or ground of any person or persons, bodies corporate or politic, or of the people of this State, or to work any mine, or to erect any works or mills in the same unless the consent of the owner or owners of such soil or ground is for that purpose previously obtained.

CHAP. CXVII.

An ACT appointing Trustees of the Estate of Peter R. Kissam, late of the City of New-York, Deceased.

Passed 8th April, 1800.

WHEREAS Deborah Kissam, of the city of New-York, widow and relict of Peter R. Kissam, of the same place, merchant, deceased, Richard S. Kissam, of the same

Preamble stat-
ing the case of
Deborah Kissam
and others.

A. D. 1800.

place, physician, and Samuel Kissam, of the same place, merchant, brothers of the said Peter R. Kissam, have by their petition to the Legislature, set forth that the said Peter R. Kissam, died intestate, leaving a widow and five minor children, that the estate of the said Peter R. Kissam, chiefly consists of unimproved lands in the patent of Kayaderosseras, which are unproductive, and daily suffering waste by destruction of the timber and wood growing thereon, that the children of the said Peter R. Kissam are exposed to want the necessaries of life, and to be without the means of education, unless the Legislature will authorise a sale of the said estate: Therefore,

Part of the estate of the late Peter R. Kissam vested in said Deborah Kissam and others in trust.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That all the real estate, except in the city of New-York, which the said Peter R. Kissam was entitled to, or of which he was seised at the time of his death, shall be and the same is hereby vested in Deborah Kissam, Richard S. Kissam and Samuel Kissam upon trust, that they or the survivors or survivor of them shall sell such real estate for the best prices that can be gotten for the same upon credit, taking security on the lands, or for cash, as they may think most for the benefit of the said children, and invest the proceeds thereof in bank stock or stock of the United States.

Said trustees to pay said Deborah the proportional sum herein described.

Residue how to be disposed of.

And be it further enacted, That the said trustees, or the survivors or survivor of them shall pay Deborah Kissam, the widow and relict of the said Peter R. Kissam, during her natural life, the one third part of the interest or dividends arising from the purchase money arising from such sales whenever the said interest and dividends shall from time to time be received, and shall apply the residue of the said interest and dividends, or so much there-

A. D. 1800.

of as shall be requisite to the maintenance and education of the children of the said Peter R. Kissam, observing in the distribution thereof the respective rights of the said children.

And be it further enacted, That whenever either of the said minor children shall arrive at full age, the said trustees or the survivors or survivor of them shall transfer to the said child such proportion of two third parts of the said stock or securities upon the said lands as the child so arriving at age shall be legally entitled to.

And be it further enacted, That one third part of the said stock and securities during the natural life of the said Deborah Kissam, shall not be sold, but the interest or dividends thereof shall be paid to her as aforesaid, and on the decease of the said Deborah Kissam, the said third part of the said stock and securities, and the interest and dividends arising therefrom shall be applied, sold and paid to and amongst the children in the manner before directed as to the said two third parts thereof.

And be it further enacted, That if the interest and dividends on the two thirds of the stock and securities shall be more than sufficient to maintain and educate the said minor children, the surplus shall from time to time be invested in stock as aforesaid, and also the interest and dividends arising from such investments so as to produce the greatest and best profit for the said minors; but if the interest and dividends should prove inadequate to the maintenance and education of the said minors, then it shall be lawful for the said trustees or the survivors or survivor of them to petition the chancellor of this State, setting forth such inadequacy, who shall thereupon in his discretion, from time to time, or-

A. D. 1800. der such proportions of the principal of the said stock to be sold as shall be requisite to maintain and educate the said minors.

Said trustees to take an oath. And be it further enacted, That the said trustees shall before they enter on the execution of their trust, severally take an oath before the chancellor or a master in chancery, faithfully to administer the same, and to render an exact and true account whensoever required by the court of chancery, and shall also give such security as the chancellor shall approve for the faithful performance of their trust.

Vacancies to be filled by the Chancellor. And be it further enacted, That in case of the death of the said trustees, it shall be lawful for the chancellor to appoint such person as he shall think fit to execute the trusts and duties prescribed in and by this act, and the person so to be appointed shall take the like oath, and give the like security as is required from the said trustees.

CHAP. CXVIII.

An ACT to regulate the State-Prison Warehouse.

Passed 7th April, 1800.

Boots, bootees, &c. made in said prison to be stamped.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That all boots, bootees, shoes and slippers, hereafter to be made in the State-prison of this State, or which have been made, and shall be unsold on the first day of May next, shall be stamped on the most convenient part of the outer sole of each, and every such boot, bootee, shoe or slipper with the words State-prison, and that no boots, bootees, shoes or slippers, other than those actually made in the State-prison and thus stamped, shall be

sold in the State-prison or in any ware-house A. D. 1800.
established or that may be established under
the direction of the inspectors of the State-
prison in the city of New-York.

And be it further enacted, That if the keeper Persons selling
or clerk, or any person or persons employed said articles un-
in the said prison, or in such ware-house, stamped or
shall expose to sale any boots, bootees, shoes
or slippers not made in the State-prison and
thus stamped shall forfeit for every such of-
fence fifty dollars. And if any person or
persons shall counterfeit said stamp, or shall
expose to sale any boots, bootees, shoes or
slippers with such counterfeit stamp, he, she
or they shall forfeit for every such offence
one hundred dollars, to be recovered by ac-
tion of debt by any person who will prose-
cute for the same before any court having
competent jurisdiction with costs of suit.

Persons selling
said articles un-
stamped or
counterfeiting
said stamp to
pay a fine.

CHAP. CXIX.

*An ACT authorising the Trustees of the Village
of Lanfingburgh to hold Lands in the Town of
Troy, and for other purposes therein mentioned.*

Passed 8th April, 1800.

WHEREAS it has been represented to the Legislature, by the freeholders and inhabitants of the village of Lanfingburgh in the town of Troy, that the powers given the trustees of the said village, by the present existing laws respecting the same, do not authorise them to receive grants of any real estate in the said town of Troy, not lying or being within the limits of the said village. And it has also been represented that the commissioners in and by the act, entitled "An act to improve the navigation of Hud-

Preamble, stat-
ing certain in-
conveniences
attending the
said trustees by
reason of exist-
ing laws.

4. D. 1800. son-river between the villages of Lansingburgh and Troy," are not by the said act enabled to collect all the money by the said said act authorised to be raised on account of many of the lots of land in the villages of Lansingburgh and Waterford being vacant or unoccupied, and the owners thereof not being sufficiently known to the said commissioners: Therefore,

Part of the act
herein recited
repealed.

Proviso.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That so much of the act, entitled "An act to vest certain powers in the freeholders and inhabitants of the villages of Troy and Lansingburgh, and for other purposes therein mentioned," as limits and prohibits the trustees of the village of Lansingburgh and their successors from purchasing, holding and conveying any real estate not lying and being within the limits of the said village, shall be and is hereby repealed. Provided always, That it shall not be lawful for the said trustees to purchase or hold any real estate whatsoever not lying or being within the limits of the patent of Stonarabia or village of Lansingburgh.

Duty of commissioners in
the cases herein
mentioned, &c.

And be it further enacted, That in case any of the lots of land or buildings, situate, lying and being within the limits of the villages of Lansingburgh or Waterford respectively, which have been assedged agreeably to the directions of the act, entitled "An act to improve the navigation of Hudson's river between the villages of Lansingburgh and Troy," are or shall not be occupied or tenanted, or in case there is or shall not be sufficient goods and chattels for the payment of the sum or sums of money so assedged on the premises, then and in every such case it shall be the duty of the commissioners ap-

A. D. 1800.

pointed in and by the said act, or a majority of them to cause an advertisement to be printed for six weeks successively in the public newspaper to be printed by the printer to the State, and in the public newspapers to be printed in the villages of Lansingburgh, and in Ballstown, in the county of Saratoga, specifying the number or description of said lot or lots, and the sum or sums so assessed upon them, and requiring the owners of such lots to pay the said sum or sums assessed as aforesaid, with the expence of such advertisement, to the said commissioners within three months from the date thereof, and in case any of the said sums so assessed shall remain unpaid at the expiration of the said three months, then and in every such case the sum so assessed, with legal interest for the same, shall be a lien upon the lot upon which the same has been so assessed as aforesaid. And the said commissioners, or a majority of them shall permit any person who will pay the sum so assessed on any such lot with the said charges to take possession thereof, and such person, his heirs and assigns, shall and may hold and occupy the said lot, and receive and take the rents and profits thereof to his and their own use until the owner shall repay to him or them the sum so to be paid, with the lawful interest for the same from the time such money shall have been advanced, and the person so holding or occupying any of the said lots shall not be answerable to the owner or owners thereof for any rents or profits thereof during the time he occupies the same, and shall have liberty, at any time within thirty days after such repayment as aforesaid, to remove all the buildings and materials which he, she or they shall erect or place thereon.

4. D. 1800. son-river between the villages of Lansingburgh and Troy," are not by the said act enabled to collect all the money by the said said act authorised to be raised on account of many of the lots of land in the villages of Lansingburgh and Waterford being vacant or unoccupied, and the owners thereof not being sufficiently known to the said commissioners: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That

Part of the act herein recited repealed.

so much of the act, entitled "An act to vest certain powers in the freeholders and inhabitants of the villages of Troy and Lansingburgh, and for other purposes therein mentioned," as limits and prohibits the trustees of the village of Lansingburgh and their successors from purchasing, holding and conveying any real estate not lying and being within the limits of the said village, shall be and is hereby repealed. *Provided always,* That it shall not be lawful for the said trustees to purchase or hold any real estate whatsoever not lying or being within the limits of the patent of Stonarabia or village of Lansingburgh.

And be it further enacted, That in case any

Duty of commissioners in the cases herein mentioned, &c.

of the lots of land or buildings, situate, lying and being within the limits of the villages of Lansingburgh or Waterford respectively, which have been assessed agreeably to the directions of the act, entitled "An act to improve the navigation of Hudson's river between the villages of Lansingburgh and Troy," are or shall not be occupied or tenanted, or in case there is or shall not be sufficient goods and chattels for the payment of the sum or sums of money so assessed on the premises, then and in every such case it shall be the duty of the commissioners ap-

A. D. 1800.

pointed in and by the said act, or a majority of them to cause an advertisement to be printed for six weeks successively in the public newspaper to be printed by the printer to the State, and in the public newspapers to be printed in the villages of Lansingburgh, and in Ballstown, in the county of Saratoga, specifying the number or description of said lot or lots, and the sum or sums so assessed upon them, and requiring the owners of such lots to pay the said sum or sums assessed as aforesaid, with the expence of such advertisement, to the said commissioners within three months from the date thereof, and in case any of the said sums so assessed shall remain unpaid at the expiration of the said three months, then and in every such case the sum so assessed, with legal interest for the same, shall be a lien upon the lot upon which the same has been so assessed as aforesaid. And the said commissioners, or a majority of them shall permit any person who will pay the sum so assessed on any such lot with the said charges to take possession thereof, and such person, his heirs and assigns, shall and may hold and occupy the said lot, and receive and take the rents and profits thereof to his and their own use until the owner shall repay to him or them the sum so to be paid, with the lawful interest for the same from the time such money shall have been advanced, and the person so holding or occupying any of the said lots shall not be answerable to the owner or owners thereof for any rents or profits thereof during the time he occupies the same, and shall have liberty, at any time within thirty days after such repayment as aforesaid, to remove all the buildings and materials which he, she or they shall erect or place thereon.

A. D. 1800. *And be it further enacted*, That the third section of the said act, entitled "An act to improve the navigation of Hudson's river between the villages of Lansingburgh and Troy," passed the first day of March, one thousand seven hundred and ninety-nine, shall be and the same is hereby repealed.

CHAP. CXX.

An ACT supplementary to the act, entitled "An act to amend an act, entitled "An act to provide against Infectious and Pestilential Diseases."

Passed 7th April, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That whenever a vessel shall arrive at the anchoring place for vessels at quarantine from a place where a malignant or pestilential fever prevailed, or if during her voyage any person has died or been sick on board, with such fever, the master, owner or consignee shall forthwith upon the requisition, and under the direction of the health officer, whose duty it shall be to make such requisition, cause such vessel to be unloaded, cleansed and purified, and that until then no permit shall be granted for her to proceed to the city of New-York; and every master, owner or consignee, neglecting or refusing to comply with such requisition of the health officer, shall be considered guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding five hundred dollars, or be imprisoned for a time not exceeding six calendar months by any court having cognizance thereof.

Duty of the masters, owners or consignees of vessels arriving at the anchoring place from a place where a malignant fever prevailed.

Penalty for neglect of such duty.

And be it further enacted, That whenever any vessel shall arrive at the quarantine ground between the first day of June and the first day of October in any one year, from a place to the southward of the latitude of Sandy-Hook, the master or person having the charge of such vessel, shall forthwith upon the requisition of the health officer, cause all the wearing apparel, bedding and every other thing on board, likely in the opinion of the health officer to communicate infection, to be landed for the purpose of being cleansed with water or otherwise purified, under the direction of the commissioners of the health office by persons to be employed by them, during which cleansing they shall, if necessary, furnish any indigent person with change of apparel at the expense of the health office, the same to be afterwards returned to the said commissioners.

Provided, That it shall not be the duty of the commissioners to employ persons to cleanse and purify any part of the cargo of any vessel. And that until such requisition shall be complied with, no such vessel shall have a permit to proceed to the city of New-York. And that every master or person having charge of a vessel so circumstanced, neglecting or refusing to comply with such requisition, shall be considered guilty of a misdemeanor, and upon conviction thereof be fined in a sum not exceeding two hundred dollars, or be imprisoned for a time not exceeding three calendar months, by any court having cognizance thereof.

And be it further enacted, That no cotton or hides, damaged coffee or damaged peltry shall be brought into the city of New-York, between the first day of June and the first day of November in any one year, and no coffee or peltry whatever within the period aforesaid,

A. D. 1800.
Duty of masters
of vessels arriv-
ing at the qua-
rantine ground
between first
June and first
October from
any place south
of Sandy-hook.

Proviso.

Penalty for ne-
glect of such
duty.

Cotton, hides,
&c. shall not
be brought into
the city of New-
York during
the time herein
mentioned.

A. D. 1800. unless authorised by the commissioners of the health office, after having been examined: Such articles to be seized and sold if brought in contrary to this act. And that if any of the articles aforesaid be brought into the said city in violation of this act, it shall be the duty of the said commissioners to seize and sell the same, and to apply the neat proceeds thereof to the use of the health office.

Mayor or recorder may supply vacancies that may happen in the health-office. And be it further enacted, That it shall be lawful for the mayor, or in his absence, the recorder of the city of New-York, in case of the death or resignation of any of the said commissioners, to appoint a suitable person or persons to supply such vacancy until the sense of the council of appointment shall be declared thereon.

Commissioners of the health-office authorised to demand and receive from masters and commanders of vessels certain sums of money. And be it further enacted, That instead of the sums of money heretofore authorised to be received by the wardens of the port of New-York from the persons hereafter mentioned, the commissioners of the health office, or either of them, are hereby authorised and required to demand and receive, and in case of neglect or refusal to sue for and recover in their own names or in the name of either of them, with costs of suit, from the captain or commander of every vessel which shall hereafter enter the port of New-York from any foreign port, the following sums of money, to wit: for each captain or commander, one dollar and fifty cents; for each cabin passenger, one dollar and fifty cents; for each steerage passenger, seventy-five cents, and for each mate, sailor or mariner, seventy-five cents; which several sums shall be demandable of the captain or commander of every such vessel, and on payment thereof, every such captain or commander shall and may lawfully demand and receive from every such person on whose account respectively the same shall

Said sums demandable by said command-

have been paid, the monies so paid ; and the ^{A. D. 1800.} said monies so to be received by the said commissioners, or either of them, shall be appropriated by them to the use of the health office, deducting therefrom the sum of five per cent. which they are hereby authorised to retain as a compensation for collecting the same.

And be it further enacted, That the commissioner other than the resident physician and health officer, shall receive a salary of one thousand dollars per annum, to be paid out of the monies heretofore appropriated for compensating the commissioners of the health office ; and he may reside at or near the marine hospital or in the city of New-York, as a majority of the commissioners of the health office may deem most proper.

And be it further enacted, That all the fines imposed and received under this act, shall be paid to the said commissioners, to be by them applied towards defraying the expence of the health-office.

ers from persons on whose account the same were paid.

Said money how to be disposed of

Salary of the commissioner other than the resident physician and health officer.

Said commissioner where to reside.

Fines how to be paid & applied.

CHAP. CXXI.

An ACT to establish a Turnpike Corporation for improving the Road from Eastchester to Byram.

Passed 7th April, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That Philip Pell, John P. Delancey, Cornelius C. Roosevelt, Peter J. Munro and Gabriel Furman, and all such persons as shall associate for the purpose of making a good and sufficient road from Eastchester, beginning at or near the house of Theodosius Fowler, upon the new road lately made from Morrisa-

The persons herein named and their associates incorporated.

A. D. 1800.

Style of the corporation.

Powers and privileges.

Proviso.

Commissioners named to perform the duties herein mentioned.

nia to Eastchester, and ending at the Connecticut line in Byram, in the nearest and most direct route as far as circumstances will admit, shall be and hereby are created and made a corporation and body politic, in fact and in name, by the name and style of "The President, Directors and Company of the West-Chester Turnpike Road," and by that name shall be capable in law to purchase, have, hold, enjoy and retain to them and their respective successors, lands, tenements, hereditaments, goods, chattels and effects of every kind whatsoever, and the same or any part thereof, to sell, grant, alien or dispose of, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in courts of record, or any other place whatsoever: *Provided however*, That the amount of the real estate which the said corporation are hereby authorised to purchase and hold shall not exceed two thousand dollars. *And provided further*, That such estate, so to be purchased and held, shall be necessary to fulfil the end and intent of the corporation hereby created and made, and to no other use, intent or purpose whatsoever.

And be it further enacted, That John P. Delancey, Cornelius C. Roosevelt, Peter J. Munro, Philip Pell and Gabriel Furman be, and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say: they shall, on or before the first day of June next, procure five books, and in each of them enter as follows: "We whose names are hereunto subscribed do, for ourselves and our legal representatives, promise to pay the president, directors and company of the West-Chester turnpike road the sum of fifty dollars for every share of stock in the said company set opposite to our re-

pective names, in such manner and proportion, and at such time and place as shall be determined by the said president, directors and company ;" one of which books shall be left with each of the said commissioners at their respective places of abode, who shall keep the same open for the purpose of receiving subscriptions ; and every subscriber shall, at the time of subscribing, pay unto either of the said commissioners five dollars for each share so subscribed ; and the said commissioners shall, as soon as one hundred shares have been subscribed, cause an advertisement to be inserted in one of the public newspapers printed in the city of New-York, giving at least ten days notice of the time and place when and where the said subscribers shall meet for the purpose of choosing thirteen directors, who shall be stockholders, for the purpose of managing the concerns of the company for one year ; and the day of choosing the said directors shall forever thereafter be the anniversary day for choosing directors, and any seven of the said directors shall be a quorum, and capable of transacting the business of the said corporation, and every act of a majority of the directors so met shall be binding on the said corporation ; and the said directors, elected by a plurality of the stockholders present, shall immediately proceed to the choice of one of their number for president ; and the said president and directors may meet from time to time, at such place as they may find expedient and direct, and shall have power to make such bye-laws, rules, orders and regulations, not inconsistent with the laws of this state or the United States, as shall be necessary for the well ordering the affairs of the corporation : *Provided*, That no person shall have more than twenty votes, whatever number of shares

13 directors to
be chosen, 7 to
be a quorum.

A president to
be chosen.

Bye laws to be
made.

Prov. 13

A. D. 1800.

300 shares to be
subscribed.

he may be entitled, and that each person shall be entitled to one vote by him or her held under the said number.

And be it further enacted, That the said president and directors may continue to receive subscriptions to the stock of the said corporation until there shall be three hundred shares subscribed, and shall have power to appoint such agents, clerks, workmen, and others under them, as shall be necessary for executing the business of the said corporation.

Certain powers
& privileges to
said corporation
by their presi-
dent, directors
or agents.

Proviso.

And be it further enacted, That the said corporation, by the president and directors, or by any agent, superintendant, artist or other person employed in their service, may, by the advice and direction of the superintendants of the highways in the county of Westchester, enter into any land where they shall deem it proper to construct the said road, and by the like advice and direction to lay out and survey such routes or tracts as shall be most practicable for erecting a good and sufficient road between the places aforesaid.

Provided nevertheless, That no such route or road shall be surveyed or laid out through any garden without the consent of the owner or owners thereof, if such garden shall have been cultivated as such at least ten years before such road shall be laid out; and the said president and directors may contract and agree with the owners of the said land for the purchase of so much thereof as shall be necessary for the purpose of making the said road, and for erecting and establishing gates, toll-houses and all other works to the said road belonging; and in case of disagreement between the said parties respecting the damages to be done to the said land, or if the owner or owners shall be feme coverts, insane or under age, or out of the country, then it shall and may be lawful

Provviso in case
of disagree-
ment as to dam-
ages.

A. D. 1800.

for the said president and directors to apply to one of the judges or assistant-justices of the court of common pleas in and for the said county of Westchester, not interested in said road, who is hereby authorized and required to nominate, and by an instrument in writing signed by him to appoint, three commissioners, being freeholders of the said county, and who shall not be inhabitants of any of the towns through which the said road shall pass; and it shall be the duty of the said president and directors to cause a copy of such appointment to be served on each of the said commissioners, who, or any two of them, shall thereupon name a day for meeting on the said lands and performing the duties required of them by this act, and also to give notice to the owner or owners of such land of the said appointment and the day being, at least four days from the time of giving such notice, when and where the commissioners will meet for the purpose of examining the lands and assessing the damages, except in case the owner or owners shall labour under any of the disabilities aforesaid, or be absent, in either of which cases a copy of such notice may be left at the dwelling-house of the party (if any) or other notorious place on the land through which said road shall pass. And further, each of the said commissioners shall, before he proceed to exercise the trust reposed in him by this act, take and subscribe an oath or affirmation before one of the justices of the peace in and for said county that he will, without favor or partiality, estimate and assess the damages which may be sustained by the owner or owners of any lands or improvements which the said corporation may deem necessary for said road, and the commissioners shall then

An oath to be
taken by the
commissioners.

A. D. 1800.

An inquisition
stating the a-
mount of dam-
ages to be made
& acknowledg-
ed before a
judge and filed,
&c.

Compensation
to said judge &
commissioners.

Proviso.

Certain powers
and privileges to
the president,
directors, a-

proceed to view the premises, and having determined the damages, shall make an inquisition, under their hands and seals, or the hands and seals of any two of them, stating the amount of damages (if any) which each or any of the owner or owners of any parcel of land, used or to be used for said road, have sustained or shall sustain, which inquisition shall be acknowledged by the commissioners signing the same before one of the judges aforesaid, and filed together with the affidavit aforesaid in the office of the clerk of the said county of Westchester, who shall, at the expence, costs and charges of the president and directors aforesaid, enter the same of record in the book kept by him for recording deeds; and the said corporation, paying to the said several owners of said land the several sums awarded by such inquisition, shall have and hold to them, their successors and assigns forever, the lands and tenements described therein, and the president and directors aforesaid shall pay to the judge, who made the appointment of said commissioners, two dollars for his service, and to each of the said commissioners, for every day necessarily attending the duties required of them by this act, two dollars and fifty cents. *Provided*, That nothing in this act contained shall be construed to authorize the said president and directors, or any other person whatsoever, to enter upon such lands, and thereon make the said road, until they shall have paid the value of such land, together with such damages as may be agreed upon or appraised according to the provision of this act.

And be it further enacted, That it shall and may be lawful to and for the president, directors and company of the said corporation

and their superintendants, artists, workmen and labourers, with carts, waggons and other carriages with their beasts of draft and burthen, and all necessary tools and implements, to enter upon the land contiguous or near to the said road, first giving notice of such intention to the owners or occupants thereof, and doing as little damage thereto as possible, and repairing any breaches they make in the enclosures thereof, and making amends for any damage that may be sustained by the owners or occupants of such ground or improvements, by appraisement in manner herein after directed, and upon a reasonable agreement of the owners or occupants if they can agree, or if they cannot agree, then upon an appraisement to be made upon the oath or affirmation of three, or if they disagree, of two indifferent freeholders to be mutually chosen, or if the owners or occupants neglect or refuse to join in the choice, to be appointed by any justice of the peace of the county, and on tender of the appraised value, to take any stone, gravel, sand or earth being most conveniently situated for making or repairing the said road and turnpike, and to use the same in carrying on the said work.

And be it further enacted, That the said president, directors and company shall cause a road to be laid out at least four rods wide, twenty-four feet of which shall be bedded with wood, stone, gravel, or any other hard substance, compacted together a sufficient depth to secure a solid foundation to the same; and the said road shall be faced with gravel, or other hard substance, in such manner as to secure, as near as the materials will admit, an even surface, rising towards the middle by a gradual arch; or where a bridge or bridges are necessary, such bridge or bridges shall not

As of 1860.
agents, &c. of
said corpora-
tions.

Dimensions and
construction of
the road.

A. D. 1800.

On the licence
of the Governor
toll-gates to be
erected.

be less than twenty feet wide ; and they shall, during the continuance of this act, maintain and keep the same in good order from the house of the said Theodosius Fowler to the Connecticut line, in Byram aforesaid.

And be it further enacted, That as soon as the said president, directors and company shall have compleated five miles of the said road, then it shall be lawful for the said president, directors and company to give notice to the governor of this state, who shall thereupon forthwith nominate and appoint two or three judicious persons to view the same, and report to him in writing, whether the said road is so far compleated in a workmanlike manner, according to the true intent and meaning of this act ; and if the report is in the affirmative, then it shall be lawful for the governor, and it is hereby made his duty, by licence under his hand and the privy seal of this state, to permit the said president, directors and company to erect one gate and turnpike across said road ; and when the remainder of the said road shall be compleated, according to the true intent and meaning of this act, and after obtaining licence from the governor as aforesaid, it shall be lawful for the president, directors and company to erect another gate and turnpike across the said road at such place as they shall think proper : *Provided*, That the most westwardly gate upon said road shall be erected to the westward of the road leading from New Rochell church to New Rochell landing ; and that the most eastwardly gate shall be erected to the eastward of the house of William Mariner in Rye ; and that the last mentioned gate shall not be within one quarter of a mile of the Sawpit landing.

And be it further enacted, That as soon as the whole or any part of the said road shall be

Provfo.

compleated, and permission to erect a gate or gates as aforesaid, granted, the said president and directors may appoint toll-gatherers to collect and receive of and from all and every person or persons using the said road, the tolls and duties hereinafter mentioned, and no more, at each of the said gates; for every score of sheep or hogs, six cents; for every score of cattle, horses or mules, sixteen cents, and so in proportion for a greater or less number of sheep, hogs, cattle, horses or mules; for every horse and rider, or led horse, four cents; for every sulkey, chair or chaise, with one horse, ten cents; for every cart drawn by one horse, five cents; for every phaeton, chariot, coach or coachee, twenty cents, and for every stage waggon, or other four wheeled carriage, drawn by two horses, mules or oxen, ten cents, and three cents for every additional horse, mule or ox; for every cart drawn by two oxen, nine cents, and for every additional horse or ox, three cents; for every sleigh or sled, six cents if drawn by two oxen or horses, and in like proportion if drawn by a greater or lesser number of horses or oxen; and it shall be lawful for any of the toll-gatherers to stop any person riding, leading or driving any horse, cattle, sheep or hogs, sulkey, phaeton, chair, chaise, cart, waggon, sleigh, or other carriage of burthen or pleasure, from passing through the gates or turnpikes until they shall have respectively paid the toll as above specified: *Provided always,* That it shall and may be lawful for any person or persons residing within five miles of any of the gates or turnpikes to be erected on said road, to compound by the year with the president and directors of the said corporation for the privilege of using the said road and passing through the said gates or turnpikes; and in case any such person or

A D. 1800.
Toll-gatherers
to be appointed.

Rates of toll.

Proviso.

A. D. 1800.

persons shall not be able to agree with the said president and directors upon the rate of compensation, the same shall be determined in the manner provided by the fifth section of this act for ascertaining the value of lands that may be included in such road, except that it shall not be necessary for the inquisition or award of the commissioners to be acknowledged and recorded.

Mile-stones and
guide posts to be
erected.

And be it further enacted, That the said corporation shall cause mile stones to be erected or placed, one for each and every mile of the said road; and on each stone, placed as aforesaid, shall be fairly and legibly marked the distance the said stone is from the city of New-York; and shall also erect guide posts at the intersection of all roads leading into and from said turnpike, and to which posts boards shall be attached, on which shall be inscribed the name of the town in which the post stands, and the name of the town or towns to which the road leads in the direction to which the hand board points; and the said corporation shall also cause to be affixed to each gate or turnpike a printed list of the rates of toll which may be lawfully demanded.

And printed lists
of the rates of
toll put up.

Persons injuring
said mile stones,
posts, turnpikes
or gates, or who
shall forcibly
pass or avoid
the toll-gates,
how to be dealt
with.

And be it further enacted, That if any person shall break or throw down, or deface the mile stones, guide posts or boards, so erected for information of the good people of this state, or shall break, cut or destroy any of the turnpikes or gates which shall be erected in pursuance of this act, or shall forcibly pass the same without having paid the legal toll at such gate or turnpike, such person or persons shall forfeit and pay a fine not exceeding ten dollars nor less than one dollar, to be recovered by the treasurer of the corporation to their use, in an action of trespass; and if any person shall, with his team, carriage or horse,

A. D. 1800.

turn out of said road to pass the said gates on ground adjacent thereto, and again enter on said road, with intent to avoid the toll due by virtue of this act, such person shall forfeit and pay three times as much as the legal toll would have been for any such person in passing through said gate, to be recovered by the treasurer of the laid corporation for the use thereof, in an action of debt: *Provided nevertheless,* That nothing in this act shall be construed so as to enable the said president and directors to receive toll of or from any person passing to or from his or her common business on his or her farm, or to or from any mill, not carrying a less quantity than one peck of grain, meal or flour, for the use of his or her family, to or from any funeral, to or from public worship on *Sunday*, or to or from any public landing, not passing thereto on said road more than three miles.

And be it further enacted, That if any toll gatherer shall unreasonably delay or hinder any traveller or passenger at any of the gates, or shall demand or receive more toll than is by this act established, he shall, for every such offence, forfeit and pay the sum of two dollars, to be prosecuted for and recovered before any justice of the peace in the county where such offence shall be committed, for the sole use of the person so unreasonably hindered, or attempted to be defrauded.

Toll-gatherers
guilty of official
misconduct,
how to be dealt
with.

And be it further enacted, That the shares in the said turnpike road shall be taken, deemed and considered to be personal estate, and shall and may be transferable, and the transfers of the said shares shall be made and entered on the books of the said president, directors and company.

Shares to be
deemed person-
al property.

And be it further enacted, That the president and directors shall keep a just and fair account

A. D. 1800.

Accounts to be
kept & half
yearly dividends
made.

of all monies received by the collectors of toll on said road, and shall make and declare a dividend of the clear profits and income (all contingent costs and charges being first deducted) amongst all the stockholders of said corporation, and shall on the second Tuesday in January and July in every year, publish the half yearly dividend to be made of the clear profit amongst the stockholders, and of the times and places, when and where the same will be paid, and shall cause the same to be paid accordingly.

And be it further enacted, That within six months after the said road is compleated, the said president and directors shall lodge in the Comptroller's office of this State, an account of the expence thereof; and the corporation shall annually exhibit to the Comptroller a true account of all the income arising from said toll, with the annual disbursements on said road.

Account of the
expence of the
said road to be
lodged in the
Comptroller's
office, and an
annual account
of the income &
disbursements
on said road.

And be it further enacted, That nothing in this act contained, shall authorise the said president and directors, or any other person whatsoever, to build a bridge across Eastchester creek, unless in making such bridge, there be an opening between the abutments thereof, at least sixteen feet in width, over which shall be constructed a good and sufficient draw for the free passage of vessels, with fixed standing masts; and it shall be the duty of all such person or persons who shall open said draw after his or their passage, to shut and carefully close the same.

Said corporation
when and in
what case to be
dissolved.

And be it further enacted, That the Legislature may dissolve the said corporation when the income arising from said toll shall have fully compensated the said corporation for all monies they may have expended in purchasing, making, repairing and taking care of

A. D. 1800.

said road, together with an interest thereon of twelve per centum per annum, and thereupon the right, interest and property of said road shall be vested in the people of this State, and be and remain at their disposal. *Provided*, That if the said corporation shall not commence their operations upon said road within two years after passing this act, or shall not within five years afterwards complete the said road according to the true intent and meaning of this act, then and in either of these cases this act shall cease, be void and of no effect.

Proviso.

CHAP. CXXII.

An ACT concerning the Supreme and Circuit Courts, and for other purposes.

Passed 8th April, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That hereafter the July term of the supreme court of judicature of this State shall commence and be held at the city of New-York on the third Tuesday in July in every year; and that the said term shall continue and be held from the time of its commencement every day, except Sunday, until and including Saturday in the next week.

The July term
of the supreme
court, when and
where to com-
mence hereafter
and how long to
continue.

And be it further enacted, That the next circuit court, and courts of oyer and terminer and gaol delivery, in and for the county of Chenango, shall instead of the fourth Tuesday of May next, be holden on the last Monday of June next, any thing in any former law or appointment to the contrary notwithstanding.

Alteration of
the time for
holding the next
circuit court &
oyer and termi-
ner, for Che-
nango.

And be it further enacted, That the act, entitled "An act to amend the act, entitled "An

A. D. 1800.

act concerning the supreme court," passed during the present session of the Legislature, shall be and the same is hereby repealed.

And be it further enacted, That so much of the act, entitled "An act concerning amendments and jeofaills as may be applicable, and the twenty-third section of the act, entitled "An act for the amendment of the law and the better advancement of justice," shall be deemed and adjudged at all times, to apply as fully to judgments or proceedings given or had, or to be given or had, under or by virtue of the act, entitled "An act for the more speedy recovery of debts to the value of ten pounds," as to judgments and proceedings in any other court of record in this State.

CHAP. CXXIII.

An ACT to amend the Acts upon the subject of the Salt-Springs in the county of Onondaga.

Passed 8th April, 1800.

Certain powers
to the Superin-
tendant in re-
spect to the re-
newal of leases.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the superintendent of the salt works, in the county of Onondaga, and he is hereby required on behalf of the people of this State, to renew to the lessees or their assignees, such of the leases of the salt lots, at and contiguous to the said springs, as expire on the twentieth day of June next, for the period of seven years, subject to the rents, and upon the terms and conditions prescribed in and by the act, entitled "An act concerning the salt springs in the county of Onondaga," passed the first day of April, one thousand seven hundred and ninety-seven, and the acts amending the same, ex-

cept that in the leases to be executed under this act, shall be inserted a stipulation or condition, that in case any such lease shall be assigned or disposed of by the lessee, or any part of the *premises* therein contained under let, without the permission of the said superintendent to be expressed in writing, the same lease shall be forfeited, and the *premises* therein contained revert to the people of this State, and be liable to be entered upon by the said superintendent; which said permission the superintendent shall not give *untill all arrears* of rent upon any such lease shall be paid. *Provided also*, That no such lease shall be renewed as aforesaid, unless all arrears of rent thereon shall have been previously paid to the said superintendent.

And be it further enacted, That the time appointed by the fourteenth section of the act, entitled "An act relative to the salt springs in the county of Onondaga," for receiving certain rents in salt, shall be and is hereby extended to the twentieth day of June next, and the period for erecting certain buildings prescribed by the twenty-sixth section of the same act, is hereby extended to the first of January, one thousand eight hundred and one.

And be it further enacted, That it shall and may be lawful for the said superintendent upon the sale of any salt in the public store belonging to the people of this state, to give a credit therefor, not exceeding six months, upon good and sufficient security for the payment of the price of such salt, with lawful interest thereon, to the satisfaction of the said superintendent.

And be it further enacted, That it shall and may be lawful to and for the Assistant Attorney-General of the district comprehending the said county of Onondaga, subject to the directions of the Attorney-General, to execute

Time for re-
ceiving certain
rents extended.

A credit to be
given by said
superintendent
upon the sale of
salt.

A duty of the
assistant attorney-
general.

A. D. 1800. and discharge the various duties enjoined upon the Attorney-General by virtue of the said recited acts.

Comptroller to audit certain expences of said superintendant. And be it further enacted, That the comptroller of this state shall audit and allow all such reasonable expences as have been incurred by the said superintendant in executing his said office, and which have not been already provided for by law, and shall draw his warrant on the treasurer for the amount thereof.

CHAP. CXXIV.

An ACT supplementary to the act entitled "An act for the relief of John Porteous and Alexander Ellice," passed March 30th, 1798.

Passed 8th April, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the treasurer of this state, and he is hereby required, upon the warrant of the comptroller, to pay to the said Alexander Ellice and the acting executors of the said John Porteous (who has deceased since the passing of the said recited act) the sum of one thousand four hundred and seventy-nine dollars and twenty-nine cents: Provided the said Alexander Ellice and the legal representatives of the said John Porteous shall execute to the people of this state a release of all claims and demands against the state for and on account of the defect of title to four sevenths of the tract of land mentioned in the said recited act, derived from this state, and enter into a guaranty, with sufficient security to indemnify the people of this state against all claims and demands of the heirs of Sir William Johnson, in the same

Treasurer to pay Alexander Ellice and the executors of John Porteous 1479 dollars and 29 cents, with proviso.

A. D. 1800.

act named, for and on account of the said four shares of the said tract of land, which said instrument of release and guaranty shall be first approved of by the Attorney-General of the state.

CHAP. CXXV.

An ACT to amend an act entitled "An act to raise a Fund for defraying the Damages done by Dogs in the County of Richmond."

Passed 8th April, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the assessors in each and every town in the county of Richmond, in every year after the first day of May next, and at the time of making their annual assessments, to enter in a book for that purpose to be kept by them, the names of every person or persons in their respective towns, owning or keeping any dog or dogs, and the number thereof; and it is hereby made the duty of said assessors to deliver an abstract from the said books to the collectors of each town, with directions for collecting the tax directed in and by the said recited act; and the collectors of each town shall collect all such sum or sums of money mentioned in such abstract, and shall pay the same in the manner directed in and by said recited act, and in default thereof shall be subject to the pains and penalties mentioned in the act hereby amended.

And be it further enacted, That the residue of the monies arising from the tax in said county which shall remain after satisfying such damages as may arise in any year from

Duty of assessors
in respect to
persons keeping
dogs.

And of the col-
lectors of each
town.

Residue of mon-
ies raised by tax
how to be ap-
propriated.

A. D. 1800. dogs killing sheep, agreeably to the third section of the said act hereby amended, shall be paid to the overseers of the poor of the respective towns in said county, for the support of the poor thereof, in proportion to the tax levied and collected in each town in virtue of this act, and the supervisors are hereby directed to give warrants upon the treasurer for the same.

CHAP. CXXVI.

An ACT for the sale of Lands in the Oneida Reservation to persons therein named.

Passed 8th April, 1800.

Surveyor-General authorised to receive proposals for purchase of lands or lots not exceeding 250 acres to one person.

B E it enacted by the People of the State of New York, represented in Senate and Assembly, That it shall and may be lawful for the Surveyor-General, at any time before the next meeting of the Legislature, to receive proposals from John G. Moyer, Samuel Sincler, John Sincler, Conrath Klock, John Klock, Hanjost Klock, Charles Kern, John Van Eps, Wemple, Conrath Pickert, Hartman Pickert, John Schuyler, Michael Day, John Wollaber, William Seeber, Sylvanus Seeber, and Charles Hill, senior, for the purchase of any lands or lots in the late Oneida reservation, the property of this state, not exceeding two hundred and fifty acres to one person, and to cause the same to be surveyed when necessary, and to ascertain, by the best information, the respective value, and make report in the premises to the Legislature at their next session.

And to report to the Legislature.

CHAP. CXXVII.

A. D. 1800.

An ACT to enable certain Persons therein named to purchase and hold Real Estates within this State.

Passed 8th April, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for Samuel S. Summers, Samuel Aldwell Smith, James Banks, Anthony M'Murdy, Joseph Renville, Charles Lee, Thomas Sheckleton, William Millbank, Andrew Smith, John M'Master, John Buchanan, Christian Wilkey, Frederick Beinhauer, Martin Symit, Ezekiel Moore, Thomas Bowleigh, John Sloan, John Barrs, John Winteringham, Thomas Harden, James Booke, Archibald Campbell, James Walker, Hugh Sinclair, Duncan Sinclair, Fercher M'Kercher, John Creighton, John Waterman Wall, Thomas Davidson, John Brown, Alexander Gilchrist, James O'Brien, Moses F. Bodell, Hugh Hannah, William Hannah, John Giles, John Mills, Peter Robertson, William Balde, Henry Balde, John Bradwell, Richard Moore, George Cluffman, Henry Waggoner, Henry Goodier and Aaron Goodier, severally to purchase lands, tenements and hereditaments within this state, and respectively to have and to hold the same to them and to their respective heirs and assigns forever, as fully to all intents and purposes as any natural born citizen may or can do, any law, usage or custom to the contrary notwithstanding.

And be it further enacted, That no lands, tenements or hereditaments in this state, heretofore purchased by any of the persons herein before named, shall escheat to the people of this state by reason or on account of such per-

Lands, &c. purchased by them not to escheat by reason of alienism.

A. D. 1800.

sons then being alien, but all such lands, tenements and hereditaments shall be understood as having vested in such purchaser or purchasers, any law to the contrary notwithstanding: *Provided always*, That no alienation of any land, purchased or to be purchased or held by virtue of this act, shall be good and effectual in the law other than to a citizen or citizens of the United States.

CHAP. CXXVIII.

An ACT altering the Time of holding Town-Meetings in the Town of Thurman, in the County of Washington, and to alter the name of the Town of Suffrage, in the County of Otsego.

Passed 8th April, 1800.

Town-meetings
when to be held.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the first day of June next, the annual town meetings to be held in the town of Thurman shall be on the first Tuesday in March in every year.

Business relating
to said town
when to be
transacted.

And be it further enacted, That all business relating to said town that by law ought to be transacted on the last Tuesday in March annually, shall and may hereafter be transacted on the last Tuesday in February in every year.

Name of Suffrage altered to
Milford.

And be it further enacted, That from and after the first day of June next the town of Suffrage, in the county of Otsego, shall be called by the name of Milford, any law to the contrary notwithstanding.

CHAP. CXXIX.

A. D. 1800.

An ACT to amend the act entitled "An act to regulate the Culling of Staves and Heading.

Passed 8th April, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the person administering the government of this State for the time being, by and with the advice and consent of the council of appointment, shall and may appoint an Inspector-General of staves and heading for the city and county of New-York, who, before he enters on the execution of the duties of his office, shall take and subscribe the following oath or affirmation before the mayor or recorder of said city: I do solemnly swear (or affirm) that I will truly, faithfully and impartially, according to the best of my capacity and ability, perform the duty of inspector-general of staves and heading, according to law, without any wilful or intentional omission, neglect or delays whatsoever. And the said inspector-general is hereby authorised and required to superintend the cullers of staves and heading within the said city and county, in order that the laws relative thereto may be duly executed; and the said cullers are required to follow such instructions and directions as they or any of them may receive from time to time from the said inspector-general in relation to the duties required of them by law, and shall, as often as once in every month, make a return to him of the quantity of staves and heading which they cull, and of whom, specifying the different kinds; and the said inspector-general is hereby authorised and empowered to displace any of the said cullers who shall, in his opinion, act inconsistently with the trust reposed in them,

An inspector-general to be appointed for the city and county of New-York.

Oath to be taken by him.

Powers and duties of said inspector general, and duties of the cullers of staves and heading.

A. D. 1800.

from negligence, incapacity, mal-practice, or any other cause; and the said inspector-general shall appoint some fit person to act in the room of the person so displaced until the pleasure of the council of appointment is known; and in case any of the said cullers shall die or resign, the said inspector-general shall appoint some fit person to supply the vacancy until the pleasure of the council of appointment is known; and it shall be the duty of the said inspector-general to report to the person administering the government for the time being, the name of the culler or cullers who shall so die, be displaced or resign, and the name of the person or persons by him appointed to supply such vacancy, as soon after as may be; and where any disputes shall arise respecting the culling of staves and heading, such dispute shall be submitted to the said inspector-general, whose determination thereon shall be final.

Inspector-General and cullers prohibited from purchasing staves or heading under a penalty of 50 dols.

Proviso.

And be it further enacted, That the said inspector-general, and the cullers of staves and heading in the city and county of New-York are hereby prohibited from buying or selling, either on their own account, or as agent or factor for any other person, any staves or heading whatever, under the penalty of fifty dollars for each offence, to be sued for, recovered and applied according to the directions of the act hereby amended: *Provided*, That nothing herein contained shall be construed to prevent the said inspector-general or cullers, if they are coopers, and actually carry on that business, from buying staves and heading for their own use.

Compensation to the inspector-general and cullers.

And be it further enacted, That the said inspector-general shall be entitled to receive on every thousand merchantable staves and heading which shall be culled in the city and county

A. D. 1800.

of New-York, ten cents, one half to be paid by the buyer, the other half by the seller; and for all such staves or heading as are culled out and not merchantable, he shall be entitled to receive of the proprietor thereof the one half of the above mentioned compensation; and the said cullers in the city and county of New-York shall be entitled to receive the following compensation in addition to what is allowed by the act hereby amended, viz. on every thousand pipe staves, twelve and a half cents; on every thousand hoghead staves and heading, twelve and a half cents; for every thousand barrel staves, twelve and a half cents, and for every thousand long or short butt staves, twenty-five cents, and no more, one half to be paid by the buyer, the other half by the seller; and for all such staves or heading as are culled out and not merchantable, they shall be entitled to receive of the proprietor thereof the one half of the said additional compensation.

And be it further enacted, That the said inspector-general shall have full power and authority by virtue of this act; and on suspicion that any staves or heading which have not been culled, or which have been condemned as unmerchantable, shall have been shipped in any ship or other vessel for exportation, to enter on board any ship or vessel whatsoever, within any harbour, port or river in said county, to search for and make discovery of any staves or heading, shipped or shipping on board any such vessel for exportation immediately from thence to any foreign market, and if he can discover any staves or heading shipped on board any such vessel that have not been culled by one of the cullers appointed according to law, or shall find on board any staves or heading which have been culled

Further powers
of the inspector-
general.

A. D. 1800.

Persons ob-
structing him in
the execution of
his duty, how to
be dealt with.

Penalty recov-
ered how to be
applied.

Part of the act
herein recited
repealed.

Inspector-gene-
ral to make re-
ports annually
to the Governor

out or condemned, he is hereby required to cause the same to be re-landed, and the said staves or heading which shall have been thus loaded on board any such vessel and not have been culled, or have been culled out or condemned, shall be and hereby are forfeited, and the proceeds thereof shall be applied according to the directions of the last section of the act hereby amended; and if any master, owner or consignee of any such vessel, or any other person, shall by threats or violence prevent the said inspector-general from entering on board any such vessel to make such search, or shall menace or disturb him while on board, and thereby prevent or attempt to prevent his performing the duties of his office, every person so offending shall forfeit the sum of fifty dollars for every such offence, to be recovered by action on the case, in the name of the chamberlain of the city for the time being; which, when recovered, shall be applied as penalties are to be applied by the directions of the last section of the act hereby amended.

And be it further enacted, That so much of the "Act to regulate the culling of staves and heading," passed the seventh March, 1788, as comes within the purview of this act, shall be and hereby is repealed.

And be it further enacted, That it shall be the duty of the said inspector general to make reports annually to the person administering the government of this State, for the time being, to be laid before the Legislature, and in such report he shall set forth whether any, and if any, what amendments are proper to be made to the laws relative to the culling of staves and heading, and likewise what number of the respective kinds of staves and heading has been culled in the city of New-York in

the year, for which the said report may be A. D. 1800.
made.

CHAP. CXXX.

An ACT for the Relief of Elijah Cady.

Passed 8th April, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be the duty of the supervisors of the county of Columbia, or the major part of them, and they are hereby required to audit the accounts of Elijah Cady, of the town of Chatham, and county aforesaid, for building a bridge over what is commonly called the Kinderhook creek, near the house of Abraham I. Van Alstyne, and also for building a bridge over a creek near the house of Timothy Bunker, and also the bridge over the stream near the house of Alexander Webster, innkeeper in the town and county aforesaid as shall be just and equitable, and cause the said sum of money so audited to be levied, raised and collected from the freeholders and inhabitants of said county in such proportions on the respective towns and city of Hudson in said county, as the superintendants of said county shall direct to be collected in like manner as the contingent charges of said county are levied, raised and paid, and the treasurer of the said county is hereby directed and required to pay the same to the said Elijah Cady, on his producing an order from the said supervisors or the major part of them for that purpose, on or before the first day of March next.

And be it further enacted, That it shall be the duty of the said superintendants, at their

The sum to be audited how to be levied, collected and paid.

A. D. 1800.

Superintendents
to apportion the
sum of 1000
dollars to be le-
vied and col-
lected for build-
ing a bridge
over Kinder-
hook creek.

next annual meeting, to determine the proportion in which the sum of one thousand dollars shall be levied on and collected from the freeholders and inhabitants of the several towns and city of Hudson in said county for the purpose of building a bridge over the Kinderhook creek, between the grist-mill built by Thomas Goldthwait and the mills erected by David Lawrence, between the city of Hudson and the town of Kinderhook, if in their opinion the said bridge be of sufficient public utility to render it proper to be built at the expence of the county, and the comparative burthens of the other towns in said county in supporting bridges render it just and equitable that they should defray a portion of the expence of building the same.

Supervisor's du-
ty.

And it shall be the duty of the supervisors forthwith to cause to be levied, raised and collected the sum of one thousand dollars on the principles directed by the superintendents and in the manner herein before directed, which sum when collected; or so much

Said sum, or as
much as shall
be collected,
how to be paid
and appropriat-
ed.

thereof as shall or may be from time to time collected, shall be paid to the chamberlain of the city of Hudson, to be applied to the purpose aforesaid in such manner as the common council of the said city of Hudson shall direct.

CHAP. CXXXI.

An ACT for the Relief of George Hunter.

Passed 8th April, 1800.

WHEREAS it has been represented to the Legislature, by George Hunter and company, auctioneers in the city of New-York, that they returned by mistake of Geo. Hunter & Co. the sum of forty thousand, five hundred and ninety-four dollars and eighty-three cents,

Preamble, re-
citing the case
of Geo. Hunter
& Co.

sold by them at vendue on the tenth and
seventeenth of December, one thousand seven
hundred and ninety-eight, belonging to the
estate of William Bryson, deceased, and
which by law was exempted from duty:
Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the Comptroller to allow to George Hunter, of New-York, in any settlement of his account for duties on goods sold at vendue, a credit of one thousand two hundred and seventeen dollars and eighty-four cents, being the amount of duties paid by George Hunter and company on the aforesaid return. Provided it shall appear to the Comptroller that the goods aforesaid were by law exempt from duty, and that the duties aforesaid have actually been paid into the Treasury.

A. D. 1800.

Comptroller to
allow them a
credit of the
sum herein
mentioned.

Proviso.

CHAP. CXXXII.

*An ACT to explain and amend the act, entitled
"An act for the Assessment and Collection of
Taxes."*

Passed 8th April, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the assessors in each town and ward in this State shall make such alteration in the valuation of the real estates by adding to or deducting from each of them such sums as shall appear to them to be just and equitable, and necessary to equalize the tax upon

Assessors auth-
orized to equal-
ize the tax on
real estates.

Subject on ap-
peal to the re-
vision of the
commissioners
of taxes.

the real estates, within their respective towns or wards, subject however, on appeal, to the revision and final correction of the commis-

A. D. 1800. sioners of taxes of such county, and shall set down in one column in their assessment roll and opposite to the name of the possessor thereof the just and true value of all houses and lands in such town or ward, liable by law to be taxed ; and where any such houses or lands are not occupied the assessor shall set down the name of the owner or supposed owner as the possessor thereof. *Provided,*

Proviso.

That in equalizing as aforesaid the assessors shall not lessen the aggregate or gross amount of the valuation made under the authority of the United States. And if the assessors shall discover any houses or land not contained in said assessment roll, they shall ascertain and set down therein the true value thereof agreeably to the principles prescribed by the act of Congress for making valuations of real estates, and shall add such valuations to such aggregate amount.

Residue of personal estate how to be estimated.

And be it further enacted, That the residue of the personal estate contemplated in the third section of the act hereby amended shall be considered by the assessors to be the amount the person is worth at the time of making such assessment, over and above the real estate, and enumerated and excepted articles, such person may own and over and above all the debts he may owe. *Provided always,* That the said residuary property shall not be construed to include household furniture under the value of two hundred dollars possessed by any one person.

Taxes for defraying contingent charges of counties, and for support of the poor, how to be raised and levied.

And be it further enacted, That all taxes for defraying the public and necessary contingent charges of each respective county, and for the maintenance and support of the poor of each city, town and ward in this State, shall hereafter be raised and levied together with the taxes to be raised and levied

for the use of this State. And that the supervisors in each of the respective counties in this State shall, yearly, when they have examined, settled and allowed all the accounts with which the same county is or shall be chargeable, and ascertained what sum of money ought to be raised in the same county in that year, for the payment thereof, and for defraying the public and necessary contingent charges of the same county, transmit an account thereof to the commissioners of taxes in the same county, together with an account of the sums to be raised in that year by each city, town and place in the same county for the maintenance and support of the poor thereof. And the commissioners of taxes in the respective counties shall cause all such sums to be raised and levied by adding to the tax of each person liable to pay such tax, whether he be an inhabitant or not, in the same county, a due proportion of the sum to be raised in the same county for county charges, and by also adding to the tax of each person liable to pay such tax, whether he be an inhabitant or not, in each city, town and ward in the same county, a due proportion of the sum to be raised for the maintenance and support of the poor in the same city, town or ward; and shall, in their warrants to the collectors of each respective city, town and ward in the same county, direct such collector to pay the sum to be raised for the maintenance and support of the poor of the same city, town or place, specifying the amount thereof, to the overseers of the poor of the same city, town or place, out of the first money he shall collect, and the residue of the money to be collected by him to the treasurer of the county on or before the first day of February then next; and the

A. D. 1800.
A duty of the
supervisors.

A duty of the
commissioners of
taxes.

Further duty of
the commissioners.

A. D. 1800.

commissioners of taxes shall, in their certificates to the county treasurer, specify how much of the tax in each city, town and place in their county is raised for county charges.

And of the county treasurer.

And supervisors

And the respective county treasurers are hereby directed and required to appropriate and apply the first monies which shall come to their hands, arising from the tax, to the payment and discharge of such county charges. And the supervisors of each respective county in this State shall, yearly, upon settling the accounts of their county, transmit to the county treasurer a list or account of the sums allowed by them, with the names of the persons to whom the same are to be paid.

Further duty of supervisors respecting arrears of taxes.

And be it further enacted, That the supervisors, at their meeting in May next, instead of transmitting an account of the arrears of taxes to the attorney-general or assistant attorney-general, according to the directions of the said act for the assessment and collection of taxes, shall cause all such arrears to be levied, together with the arrears of the State tax, and in the same manner.

Duty of the Comptroller respecting taxes unpaid.

And of the treasurer.

And be it further enacted, That the Comptroller shall, from time to time, give to any person requiring the same a certificate of the amount of any tax unpaid, whether charged upon real or personal estate; and it shall be lawful for the treasurer to receive and give a receipt for the same tax upon such certificate, which shall be carried to the Comptroller, who shall countersign the same, and enter the payment in the accounts in his office; which shall be a sufficient discharge of such tax, and such tax shall not be included in any account to be sent to the supervisors, or to the attorney-general, or to any assistant attorney-general.

And be it further enacted. That if, upon ^{A. D. 1800.} examination, the commissioners shall find that any sum returned to them as an arrear of any tax was laid on the land or on the person charged by mistake, it shall be lawful for them to correct such mistake, and to lay the same tax upon the proper person or land; and where no such person or land shall be found, or where any land or person shall be doubly charged, the commissioners, instead of adding the amount of such arrears to the next tax, shall certify the matter to the Comptroller, which certificate shall be considered as a discharge of such tax, and no further proceedings shall be had thereon.

And be it further enacted. That hereafter ^{Hereafter no more than three assessors to be elected for each town.} there shall be no more than three assessors elected in any town in this State.

And be it further enacted. That the real estate of every ordained minister of the gospel, not exceeding in value fifteen hundred dollars, shall be and hereby is exempted from taxation.

CHAP. CXXXIII.

An ACT for the payment of certain Officers of Government, and for other purposes.

Passed 8th April, 1800.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, ^{Treasurer to pay Simeon De Witt, surveyor-general, 1250 dollars.} That the Treasurer of this State shall on or before the first day of July next, on the warrant of the Comptroller, pay to Simeon De Witt, Surveyor-General of this State, the sum of twelve hundred and fifty dollars for his services in his said office, from the first day of July last to the first day of July next. *Pro-*

A. D. 1800. *vided nevertheless,* That the said Simeon De Witt shall account with the Comptroller of this State, and pay into the treasury all the fees which he may have received, or shall receive as Surveyor-General, during the time above mentioned, and which have not been yet accounted for and paid.

To Loring Andrews, State-printer, such sums as shall be due to him.

And be it further enacted, That the Treasurer shall pay unto Loring Andrews, printer to this state, such sums of money as shall be certified by the Comptroller to be due to him for printing the laws and journals of the present session of the Legislature, and such other printing as has been or may be done by him for the state.

To David Van Horne, Adjutant-general, 1500 dollars.

And be it further enacted, That the Treasurer shall pay to David Van Horne, Adjutant-General of the militia of this state, the sum of fifteen hundred dollars for his services in his said office from the first day of July last until the first day of July next.

Additional sums allowed to the chancellor, judges of supreme court, president of the senate, speaker of the assembly, members of both houses and their attendant officers.

And be it further enacted, That from the first day of July last to the first day of July next, there shall be allowed to the several officers of government, in addition to the annual salaries now allowed to them and each of them respectively, in and by the act entitled "An act for the support of government," the following sums, to wit: to the Chancellor, the sum of six hundred and twenty-five dollars; to the Chief Justice, and to each of the other Judges of the Supreme Court, the sum of six hundred and twenty-five dollars; and for the present session of the Legislature, in addition to the sums allowed in and by the act entitled "An act for the better support of government," to the President of the Senate and the Speaker of the House of Assembly, the sum of one dollar and twenty-five cents a day for each day's attendance in their respective stations, and to

A. D. 1800.

each member of the Senate and Assembly, the sum of seventy-five cents a day for each day's attendance in the Legislature; and to each of the members of the Legislature, and the attendant officers on the Legislature, for travelling, at the rate of twenty miles per day, at the rates allowed them by this or any former act.

And be it further enacted. That the Treasurer shall pay to such of the Clergy as shall have attended the Legislature as Chaplains during the present session, the sum of two dollars each for every day they shall have so attended, which sums shall be certified by the President of the Senate and Speaker of the Assembly.

Treasurer to pay to the chaplains of the Legislature two dollars per day.

And be it further enacted. That the Treasurer shall pay to the Clerk of the Senate, and to the Clerk of the Assembly, the sum of one dollar and fifty cents per day each, in addition to the compensation allowed them in and by the act entitled "An act for the support of government;" and shall also, on the warrant of the Comptroller, pay to the said clerks such sums as shall be certified to be due to them respectively for engrossing, and other extra services performed by the said clerks during the last session of the Legislature; and in future for engrossing each sheet, or folio of seventy-two words, nine cents; and six and an half cents per folio of seventy-two words for copying the journals for the Governor, resolutions to either house for concurrence, and copies furnished the state printer, and for issuing notices of vacancies in the Senate as directed by law, fifty cents.

To the clerks of senate and assembly an additional sum of 1 dollar and 50 cents per day, and such further sums as shall be due them for engrossing, &c.

And be it further enacted. That the Treasurer shall pay to the Messenger and Door-keeper of the Council of Revision and Council of Appointment the like compensation per day as is allowed to the Door-keepers of the Sen-

compensation to the door-keeper of the council of revision and appointment, and to the sergeant at arms and

A. D. 1800. *ate and Assembly; and that there be paid to door-keepers of the Senate and Assembly, and to each of them, in addition to the allowance now made by law, the sum of fifty cents for each and every day they shall respectively have attended to their duties during the present session.*

To members of the Council of Appointment. And be it further enacted, That the members of the Council of Appointment shall, for their attendance during the recess of the Legislature, be entitled to the like allowance per day, and for travelling, as is allowed to the members of the Legislature.

Treasurer to pay the Governor such sums as may be requisite for incidental charges. And be it further enacted, That it shall be lawful for the Treasurer to pay to the person administering the government of this state for the time being, to defray the incidental charges which may arise in and about the administering the government of this state, such sum or sums as he shall require, not exceeding in the whole the sum of seven hundred and fifty dollars.

A tax of 1 mill on each dollar to be raised in the present year. And be it further enacted, That a tax of one mill upon each dollar of the valuation of the real and personal estates within this state, shall be raised, levied and collected in the present year, in the manner directed by any act or acts of the Legislature of this state.

Comptroller to audit accounts of N. Norton and Wm Stuart. And be it further enacted, That the Comptroller shall audit the accounts of Nathaniel Norton and William Steward for services performed by them under the act entitled "An act authorising the Surveyor-General to ascertain the eastern boundary line of the land ceded by this state to the commonwealth of Massachusetts, and for other purposes therein mentioned;" and draw his warrant on the Treasurer of this state for the same, who is hereby directed to pay the same: Provided

nevertheless, That the amount so to be audit-
ed shall not exceed the sum of five hundred
and seventy-five dollars and eighty-four cents.

And be it further enacted, That the Treasurer
shall pay, on the warrant of the Comptroller, to Simeon De Witt, such sum as shall be due to him for expences in executing the laws directing certain lands to be granted to Nathaniel Mallory and his associates, and also such further sum as shall be due to him for a survey in Brothertown, made pursuant to concurrent resolutions of the Senate and Assembly of the twentieth day of February, one thousand seven hundred and ninety-eight.

And be it further enacted, That the Treasurer shall pay, upon the warrant of the Comptroller, to the State Printer such sum as he shall be entitled to upon the settlement of his accounts for extra printing during the present session of the Legislature, agreeable to the concurrent resolution of the Senate and Assembly of the present session, and for like printing performed at the last session of the Legislature; and such sum as he shall be entitled to for printing five hundred copies of the Reverend John B. Johnson's sermon, and also such sum as, upon a settlement of his account with the Comptroller, may be due to him for printing the fourth volume of the transactions of the Society for promoting Agriculture, Arts and Manufactures, agreeably to concurrent resolutions of the last session of the Legislature.

And be it further enacted, That it shall be lawful for the person administering the government of this state for the time being, with the advice and consent of the council of appointment, to appoint a deputy commissary of military stores to take the charge of the Arsenal near the city of Albany, and the military

A. D. 1800.

Treasurer to
pay to S. De
Witt his ex-
pences in exe-
cuting laws re-
lative to N.
Mallory and
associates.

And for a sur-
vey in Brother-
town.

To the State-
printer such
sums as may be
due to him for
extra and other
printing.

A. D. 1800. and
A deputy com-
missary of mili-
tary stores to be
appointed to
take charge of
the arsenals near
Albany.

A. D. 1800.
His salary.

stores that may be deposited therein, who shall receive as a compensation for his services yearly, the sum of one hundred dollars, to be paid by the Treasurer, on the warrant of the Comptroller.

Treasurer to
pay to the trea-
surers of Onta-
rio and Tioga
certain sums, to
be apportioned
as herein men-
tioned.

And be it further enacted, That the Treasurer of this state is hereby directed to pay, on the warrant of the Comptroller, to the Treasurers of the counties of Ontario and Tioga, the sums that became payable on the third Tuesday of March, one thousand seven hundred and ninety-eight, to the said counties respectively, agreeable to the "act for the encouragement of schools," passed the ninth day of April, one thousand seven hundred and ninety-five, and that the said sums shall be apportioned and paid by the Treasurers of the counties of Ontario and Tioga, to and among the several towns of the counties of Ontario and Steuben, of Tioga and Chenango, which were formerly included in the said county of Tioga, in the proportions directed by the act last mentioned.

Comptroller to
audit and allow
accounts of C.
R. & G. Web-
ster for printing

And be it further enacted, That the Comptroller shall audit and allow any accounts for printing performed by Charles R. and George Webster, in pursuance of concurrent resolutions of the Senate and Assembly, and any law of this state, and shall draw his warrant upon the Treasurer for the amount thereof.

Reciting that
the Treasurer
is directed to
pay Joshua and
Elias Quereau
£330, with in-
terest on their
and Joshua Pur-
dy executing a
conveyance to
the people of
this State.

Whereas the Treasurer of this state is directed, in and by an act entitled "An act for the relief of Joshua Quereau and Elias Quereau," passed at the present session of the Legislature, to pay to the said Joshua Quereau and Elias Quereau the sum of three hundred and thirty pounds, with the interest thereof as therein mentioned, on their and Joshua Purdy therein named, releasing and conveying to the people of this state all their right, title and inter-

est to the premises therein specified. And A. D. 1800.
whereas also the said Joshua Purdy is dead,
Therefore,

Be it further enacted, That a release and con- Such convey-
veyance, executed to the people of this state ance to be ef-
by the legal representatives of the said Joshua fectual if exe-
Purdy, of all their right, title and interest of, cuted by the le-
in and to the said premises, shall be as effec- gal representa-
tive of J. Pur-
tual for the purpose therein intended as if
made and executed by the said Joshua Purdy
in his life time.

And be it further enacted, That the Treasurer ^{Treasurer to} shall pay, on the warrant of the Comptroller, ^{pay to G. Walker} ^{62 dolls. and} ^{25 cents.}
unto George Walker the sum of sixty-two dollars and twenty-five cents, which was ex-
pended by him for the freight and transpor-
tation of two pieces of cannon and one am-
munition waggon from New-York to Cooper's
Town, in the county of Otsego.

And be it further enacted, That the Treasurer ^{ADD to A. H.} shall, on the warrant of the Comptroller, pay ^{Herrbach 137} ^{dollars and 50}
unto Arthur H. Herrbach, or order, the sum ^{cents for trans-}
of one hundred and thirty seven dollars and ^{portation of}
fifty cents, for freight of eleven iron cannon,
conveyed from Red Hook to New-York by
the direction of the commissioners constituted
by the act entitled "An act authorising the
erecting of fortifications within this state."

And be it further enacted, That the Treasurer ^{To Selah Strong} shall pay, on the warrant of the Comptroller, ^{12 dolls. and 35 cents for}
unto Selah Strong the sum of twelve dollars and thirty-five cents, for the sum overpaid by
mistake into the Treasury for the state tax for
the county of Suffolk.

And be it further enacted, That the Treasurer ^{To Sarah Jones} is hereby required and authorised to pay, ^{112 dolls. & 82}
upon the warrant of the Comptroller, out of ^{cents in full for}
any money in the Treasury not otherwise ap- ^{her dower.}
propriated, to Sarah Jones, widow of Philip

A. D. 1800. Jones, the sum of one hundred and twelve dollars and eighty-two cents, in full of all claim of dower which the said Sarah has in the estate forfeited to the people of this state by the attainder of her husband, Philip Jones, on the said Sarah's executing a release to the people of this state of all her interest and right in the estate above mentioned.

Comptroller, attorney-general and surveyor-general to settle claims against lands improperly sold as forfeited.

And be it further enacted, That it shall and may be lawful for the Comptroller, the Attorney-General and Surveyor-General of this state, or any two of them, in all cases where it shall appear to them that lands not forfeited to the people of this state have been improperly sold under the authority of the same, to compromise, extinguish and settle all claims and demands of any purchaser or purchasers, his or their heirs, executors, administrators or assigns, by reason of such sale or sales, against the people of this state; and that it shall and may be lawful for the Comptroller to draw his warrant on the Treasurer for the sum or sums that shall or may be agreed to be paid for the purposes aforesaid, to be paid out of any unappropriated monies in the Treasury.

Treasurer to pay such sums as are due the attorney-general, surveyor-general & comptroller for disbursements in execution of the trusts hereby mentioned.

And be it further enacted, That the Treasurer shall pay such sums as shall be certified by the Comptroller to be now due, or hereafter to become due, to the Attorney-General, the Surveyor-General and the Comptroller, or to either of them, for the costs, expences and disbursements, by them or any of them incurred or to be incurred and paid, in and about the execution of the trusts hereby reposed in them, and in and about the execution of the trusts reposed in them in and by the last section of the act entitled "An act for the relief of the purchasers of certain lands in the fourth allotment of the Royal Grant,

A. D. 1800.

Proviso.

and for other purposes," passed the thirty-first day of March, one thousand seven hundred and ninety-eight, provided such sum or sums shall not exceed the annual sum of two hundred and fifty dollars.

And be it further enacted, That the Supervisors of the county of Ontario shall audit and allow the account of Augustus Porter, Samuel Colt and Amos Hall, for services performed and expences incurred by them as commissioners of taxes in and for the county of Ontario, and shall cause the same to be levied and collected in like manner as the contingent charges of said county are by law levied and collected.

And be it further enacted, That the lotteries to be drawn in pursuance of the act entitled "An act for opening and improving certain great roads within this state," shall be drawn in the city of New-York, under the inspection of the managers thereof, or any two of them, any law to the contrary thereof notwithstanding.

And be it further enacted, That the Treasurer shall pay, upon the warrant of the Comptroller, such sum as the person administering the government may expend in collecting into the arsenals and magazines any arms and ammunition in this state, belonging to, and not under the care of the United States, not exceeding two hundred dollars.

And be it further enacted, That the Treasurer shall pay unto Josiah Tryon or order, on the warrant of the Comptroller, the balance of five hundred dollars remaining in the treasury and unexpended, on account of improving the road from Fort Stanwix, to the bridge erected over the Fish creek, and from

Supervisors of Ontario to allow accounts of Augustus Porter, Samuel Colt and Amos Hall as commissioners of taxes.

Lotteries to be drawn in New-York.

Treasurer to pay expences of the Governor in collecting arms and ammunition into the arsenals & magazines.

To J. Tryon or order a balance of 500 dollars for improving a road.

A. D. 1800.

Expenditure
thereof to be
accounted for
with the comp-
troller.

Three months
allowed physi-
cians and sur-
geons to procure
certificates of
qualification.

Penalties re-
mitted.

Treasurer to pay
the Governor's
private secre-
tary an additional
sum.

thence through George Scriba's land, and through the township number twelve in Boylston's purchase, in pursuance of the act, entitled "An act supplementary to the act, entitled "An act for opening and improving certain great roads within this State, to be applied in repairing the said road in such parts thereof as he shall judge necessary, and to account with the Comptroller for the expenditure of the same.

And be it further enacted, That the period of three months is hereby granted to any physician or surgeon who may remove into this State, from any of the United States, to procure a certificate of his qualification in his profession conformably to the act in that behalf provided; and any penalty incurred by any physician or surgeon for a non-compliance with the said act within the said period of three months after such removal, for the recovery of which no suit or prosecution has already been commenced, shall be and hereby is remitted.

And be it further enacted, That the Treasurer shall pay to the private secretary of the person administering the government of this State, upon the warrant of the Comptroller, the sum of one hundred and eighty-seven dollars and fifty cents in addition to the sum allowed by the act, entitled "An act for the support of government.

N O T E.

THE foregoing sheets from Chap. 1 to 133, inclusive, have been carefully collated with the original acts filed in the Secretary's office of this state, and have been found conformable thereto, except the following

ERRATA.

Page 20, line 9 from the foot, instead of *bereby* read *bereby*.
P. 24, last line, instead of *repræsented* read *represented*.
P. 26, line 10 from the top, instead of *fnrther* read *further*.
P. 28, line 10 from the foot, instead of *florr* read *flow*.
P. 34, line 6 from the foot, instead of *commissioners* read *commissioners*.
P. 41, line 11 from the foot, instead of *Courtland* read *Courtlants*.
P. 41, line 10 from the foot, instead of *Harversfiaw* read *Haverfiaw*.
P. 42, line 15 from the foot, instead of *wheeled* read *wheel*.
P. 54, line 14 from the foot, instead of *all the debts* read *all debts*.
P. 61, line 16 from the top, instead of *seamen* read *seaman*.
P. 75, in the marginal notes, instead of *of any lot* read *of neglect*.
P. 113, Chap. 63, in the title, instead of *encouragement* read *encouragment*.
P. 114, line 2 from the top, instead of *comptroler* read *comptroler*.
P. 114, line 8 from the top, instead of *encouragement* read *encouragment*.
P. 115, line 10 from the top, instead of *of money* read *in money*.
P. 102, in the marginal notes, instead of *erected* read *recited*.
P. 127, line 18 from the foot, instead of *accidently* read *accidentally*.
P. 128, in the marginal notes, instead of *preses* read *premises*.
P. 139, Chap. 74, in the title, instead of *salmn* read *salmon*.
P. 143, Chap. 76, in the title, instead of *United* read *United*.
P. 152, line 9 from the top, instead of *burthen* read *burthen*.
P. 181, in the marginal notes, instead of *to called* read *to be called*.
P. 194, line 5 from the foot, instead of *been* read *been*.
P. 220, in the marginal notes, instead of *to be kept* read *to be kept*.
P. 242, in the marginal notes, instead of *ardent spirſt* read *ardent spirits*.
P. 249, in the marginal notes, instead of *sald articles* read *said articles*.
P. 270, Chap. 124, in the title, instead of *Porteous* read *Portious*.
P. 282, line 20 from the top, instead of *amout* read *amount*.
P. 283, line 25 from the top, instead of *be an inhabitans* read *be an inhabitant*.
P. 245, Chap. 117, word *of*, in the title, superfluous.

C O N T E N T S.

	Page
A N act to prolong the present January term of the Supreme Court.	3
An act authorising the Comptroller to allow certain charges in the accounts of the commissioners of taxes.	4
An act to pardon John Pastano, for murder.	<i>ibid</i>
An act to amend the charter of the Reformed Protestant Dutch Church in the city of New-York.	5
An act further to continue the Treasurer of this State in office.	6
An act to cede to the United States the jurisdiction of certain islands situate in and about the harbour of New-York.	7
An act for the relief of James Pine.	<i>ibid</i>
An act for raising a further sum of money for completing the Court-House and Gaol in the county of Delaware.	9
An act authorising the raising of monies for the repairs of Court-Houses and Gaols.	10
An act directing the execution of Benjamin Holmes, convicted of murder.	11
An act to continue in force and to amend the act, entitled an act for appointing a Comptroller in this State.	<i>ibid</i>
An act to amend the act, entitled an act concerning the Court of Probates.	12
An act to amend an act, entitled an act for keeping in repair certain private roads in Orange-Town, in the county of Orange, passed the 10th February, 1797.	13
An act authorising the Supreme Court to appoint sittings at the City-Hall, of the city of Albany, after January term, 1800.	<i>ibid</i>
An act relative to the controversy between this State and the State of Connecticut.	14
An act to revive the act, entitled an act to exonerate certain persons from paying arrears of Quit-Rent, passed April 5th, 1798, and to extend the time for the settlement of land.	15
An act making provision for draining a certain tract of swamp and bog meadow, known by the name of the Little Binne Water, in the towns of Wallkill and Minisink, in the county of Orange.	16
An act to revive and amend the act, entitled an act for the relief of the inhabitants of the town of Easton.	17
An act to augment the funds of the trustees of Union College, in the town of Schenectady.	18
An act to enable the Mayor, Recorder and Aldermen of the city of New-York to order the raising monies by tax for	21

C O N T E N T S.

	Page
the maintenance of the poor, and for defraying the other contingent expences arising in the city and county of New-York, and for other purposes.	22
An act to revive the laws for the support of the public Hospital in the city of New-York.	24
An act respecting the clerkship of the circuit court and fittings in the city and county of New-York.	25
An act to revive the act, entitled an act for prescribing the times, places and manner of holding elections for Senators to represent this State in the Senate of the Congress of the United States of America.	26
An act to divide certain towns in the several counties of Oneida, Orange, Delaware, Tioga, and Cayuga.	27
An act making further provision for improving the navigation of the Hudson river, between the city of Albany and the village of Waterford.	34
An act authorizing the Mayor, Aldermen and Commonalty of the city of Albany to raise a sum by tax for defraying the expence of lighting the lamps, and for the support of a night watch in the said city.	39
An act to explain and amend an act, entitled an act more effectually to regulate the port of New-York.	40
An act for establishing and regulating a ferry across the Hudson's river between the counties of Westchester and Rockland.	41
An act for the relief of John M. Mason and others.	44
An act to authorize the trustees of the Presbyterian church and congregation of the town of Salem to sell and dispose of certain lands for the benefit of the said church and congregation.	46
An act for the relief of William Lighthall and Thomas Tredwell Jackson.	47
An act granting certain lands to Sarah M'Ginnis and Rachael Walmsley.	48
An act for the relief of Isaac Sebring, executor of the last will and testament of Cornelius Sebring, deceased, and of James Beekman, executor of the last will and testament of Gerard W. Beekman, deceased.	ibid
An act for the relief of Sarah Scudder.	50
An act to alter the time for the election of charter officers in the city of New-York; to lengthen the terms of the court of common pleas; to give additional power to the special justices for preserving the peace in the city and county of New-York; to reduce several laws relating particularly to the said city and county into one act, and for other purposes.	ibid

C O N T E N T S.

	Page
An act concerning certain debts and demands in the city of New-York, and to amend an act, entitled an act concerning the recovery of debts and demands to the value of ten pounds in the city of New-York.	69
An act concerning the mayor's court of the city of Albany.	66
An act to authorize the supervisors of the county of Washington to raise a sum of money for the purposes therein mentioned.	<i>ibid</i>
An act to amend an act, entitled an act to vest certain powers in the freeholders and inhabitants of the village of Poughkeepsie.	68
An act establishing an allowance to the commissioner of excise in the city and county of New-York.	<i>ibid</i>
An act to amend the act, entitled an act further to amend the act, entitled an act for the partition of lands.	69
An act providing for the Indians residing at New-Stockbridge.	<i>ibid</i>
An act to amend an act, entitled an act to restrain the feeding and burning the grass, and cutting the timber on certain beaches and islands therein mentioned, passed the twenty-fourth day of April, one thousand seven hundred and eighty-four, and for other purposes.	70
An act for the relief of Joshua Quereau and Elias Quereau.	71
An act making provision for draining a certain tract of swamp and bog meadow, known by the name of the Beaver Dam in the town of New-Windsor, in the county of Orange.	73
An act altering the terms of the Courts of Common Pleas and General Sessions of the Peace in the counties of Columbia and Schoharie.	77
An act for dividing the town of Marlborough, in the county of Ulster.	79
An act for the relief of Israel Spencer and his associates.	80
An act relative to Religious Societies.	81
An act for the relief of John Steward.	<i>ibid</i>
An act to alter the division line between the counties of Orange and Rockland.	83
An act supplementary to the act entitled an act for vesting a certain tract of land in trustees for the benefit of Peter Otsequette.	84
An act concerning Supervisors.	<i>ibid.</i>
An act to vest certain powers in the freeholders and inhabitants of the village of Newburgh.	85
An act for the relief of John Thurman, and for other purposes.	94

C O N T E N T S.

		Page
	An act concerning the Surveyor-General, and for other purposes.	98
60	An act to authorise the sheriff of the county of Cayuga to occupy a building near the bridge over the Cayuga lake as and for the gaol of said county.	100
66	An act to continue in force the act entitled an act supplementary to the act entitled an act for the regulation of pilots and pilotage for the port of New-York, and for other purposes therein mentioned.	101
ibid	An act to erect part of the counties of Ulster and Albany into a separate county.	102
68	An act for the relief of the creditors of persons imprisoned in the state prison otherwise than for life ; for altering the punishment for certain offences ; for more effectually providing against escapes from the said prison, and for other purposes respecting the same.	105
ibid	An act in addition to an act entitled an act concerning conveyances by British subjects.	111
69	An act for the relief of Mary Sturges.	112
ibid	An act to direct the distribution of the money appropriated by law for the encouragement of schools in the counties of Orange and Rockland.	113
70	An act complying with the act of Congress respecting balances reported against certain states by the commissioners appointed to settle the accounts between the United States and the several states.	114
71	An act authorizing a further sum of money to be raised for repairing the court-house in the county of Herkimer, and for other purposes.	117
73	An act to empower James Galloway to erect a dam across Mud-Creek in the county of Ontario, heretofore declared a public highway.	120
77	An act to amend an act entitled an act to divide the county of Clinton, and for other purposes.	121
79	An act for the relief of Robert Johnston.	127
80	An act to amend an act entitled an act to establish a turnpike corporation for improving the road from the city of Hudson to the line of Massachusetts, on the route to Hartford.	128
81	An act making provision for the revision of the laws of this state.	133
ibid	An act granting certain powers to the mayor, aldermen and commonalty of the city of Schenectady, and for other purposes therein mentioned.	136
83	An act relative to town-meetings in certain towns therein mentioned.	137
84		
ibid.		
85		
94		

C O N T E N T S.

	Page
An act to amend an act entitled an act concerning sheriffs and the service and return of process, and the act entitled an act concerning coroners, passed the 24th of February, 1798.	138
An act for the preservation of Salmon in certain rivets running into lakes Ontario, Erie and Champlain.	139
An act directing the Surveyor-General to sell certain vacant lands in the counties of Orange and Rockland.	141
An act to vest in the United States the title to certain lands on Staten Island.	143
An act to amend an act entitled an act concerning the salt springs in the county of Onondaga, passed 30th March, one thousand seven hundred and ninety-eight, and to amend an act for laying out part of lot No. 1, in the town of Hannibal, in the county of Onondaga, into lots, and for other purposes therein mentioned, passed third day of April, one thousand seven hundred and ninety-seven.	144
An act to establish a turnpike road company for improving the state road from the house of John House, in the village of Utica, in the county of Oneida, to the village of Cayuga, in the county of Cayuga, and from thence to Canadarque, in the county of Ontario.	145
An act to establish a turnpike corporation for improving and making a road from the town of Salisbury, in the state of Connecticut, to Wattles's ferry, on the Susquehannah river.	146
An act for the relief of William Horton and others.	164
An act for the relief of Mary Hansen, widow and relict of John Hansen, deceased.	166
An act to amend an act entitled an act to establish a turnpike corporation for improving the road from the springs in Lebanon to the city of Albany; and a like corporation for improving the road from the village of Bath to the Massachusetts line, and for repealing the act therein mentioned.	167
An act to amend the act entitled an act for the relief of Nathan Dean and others.	169
An act to amend an act entitled an act to incorporate the stockholders of the New-York insurance company.	174
An act to amend the act entitled an act further to continue the treasurer of this state in office, passed the 15th day of February, 1800.	175
An act for laying a road from Cherry-Valley to the outlet of the Skaneatelas lake.	176
An act to enable the mayor, aldermen and commonalty of the city of New-York to purchase certain houses and lots of ground which are in such a state as to endanger the health of the said city.	178
An act for dividing the first ward of the city of Albany.	180

C O N T E N T S.

		Page
Page		Page
138	An act for raising a sum of money by tax to make alterations and repairs in the gaol of the city and county of Albany, and for other purposes.	181
139	An act to avoid unnecessary delays of executions, and to repeal the act therein mentioned.	183
141	An act authorising the payment of a sum of money due on a contract made by the commissioners of fortifications, and for other purposes.	185
143	An act for raising a further sum of money to finish the court-house and gaol in the county of Schoharie, and for other purposes.	186
144	An act to amend an act entitled an act to regulate the salting, repacking and inspection of beef and pork for exportation.	188
145	An act to amend the act entitled an act concerning the supreme court.	193
146	An act relative to the courts of common pleas and general sessions of the peace in the county of Rensselaer.	ibid
147	An act to amend the act entitled an act to divide the county of Onondaga.	195
148	An act to amend an act entitled an act for the inspection of flour and meal.	196
149	An act repealing part of the fourth section of the act entitled an act to reduce the laws concerning costs into one statute.	197
150	An act to enable the Chancellor for the time being to sue and be sued in chancery.	198
151	An act requiring sheriffs and coroners to deliver to the party chargeable therewith, a bill of fees prior to the commencing any action therefor.	199
152	An act relating to the Oneida tribe of Indians.	ibid
153	An act to establish a turnpike corporation in the county of Orange.	200
154	An act directing the commissioners of the land-office respecting land warrants.	210
155	An act confirming certain acts of Ebenezer Wood, deputy sheriff of Rockland county.	211
156	An act to incorporate the Mohawk turnpike and bridge company.	ibid
157	An act for the relief of William Feagan and Christian Hartwick.	222
158	An act relative to the collectors of taxes.	ibid
159	An act to authorize the raising a sum of money to build a gaol in the county of Oneida.	224
160	An act to authorize the building of toll bridges over Hudson's river.	225
161	An act for settling the disputes and controversies between the persons claiming to be proprietors of a patent called	

C O N T E N T S.

	<i>Page</i>
Mawighnunk and the possessors of the land in the town of Canaan.	229
An act relating to the commissioners of taxes in the county of Tioga.	237
An act relative to Oxford Academy.	<i>ibid</i>
An act further to amend an act, entitled an act to regulate buildings in certain limits of the city of Albany.	238
An act for raising a sum of money for building a gaol in the county of Ontario.	240
An act for the relief of the Oneida, Stockbridge Brother-town and Shinnecock Indians.	241
An act for the relief of Solomon Simson and Henry Remsen.	243
An act appointing trustees of the estate of Peter R. Kilmam, late of the city of New-York, deceased.	245
An act to regulate the State-Prison Ware-House.	248
An act authorizing the trustees of the village of Lansingburgh to hold lands in the town of Troy, and for other purposes therein mentioned.	249
An act supplementary to the act, entitled an act to amend an act, entitled an act to provide against infectious and pestilential diseases.	252
An act to establish a turnpike corporation for improving the road from East-Chester to Byram.	255
An act concerning the Supreme and Circuit Courts, and for other purposes.	267
An act to amend the acts upon the subject of the salt springs in the county of Onondaga.	268
An act supplementary to the act, entitled an act for the relief of John Porteous and Alexander Ellice, passed March 30th, 1798.	270
An act to amend an act, entitled an act to raise a fund for defraying the damages done by dogs in the county of Richmond.	271
An act for the sale of lands in the Oneida Reservation to persons therein named.	272
An act to enable certain persons therein named to purchase and hold real estates within this State.	273
An act altering the time of holding town meetings in the town of Thurman, in the county of Washington, and to alter the name of the town of Suffrage, in the county of Otsego.	274
An act to amend the act, entitled an act to regulate the culling of slaves and heading.	275
An act for the relief of Elijah Cady.	279
An act for the relief of George Hunter.	280
An act to explain and amend the act, entitled an act for the assessment and collection of taxes.	281
An act for the payment of certain officers of government, and for other purposes.	285

